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Council Journal

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COUNCIL JOURNAL

DOCUMENTS
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OF THE

LEGISLATIVE ASSEMBLY

OF THE

TERRITORY OF DAKOTA;

TO WHICH IS PREFIXED

A LIST OF THE MEMBERS AND OFFICERS OF THE COUNCIL,
WITH THEIR RESIDENCE, POST-OFFICE
ADDRESS, OCCUPATION, AGE, &c.

PUBLISHED BY AUTHORITY.

YANKTON, DAKOTA TERRITORY:

JOSIAH C. TRASK,

PUBLIC PRINTER, "DAKOTIAN" OFFICE.

1862.

384376

LIST OF THE MEMBERS AND OFFICERS OF THE COUNCIL
OF THE
FIRST LEGISLATURE OF THE TERRITORY OF DAKOTA,
WITH THEIR RESIDENCE, AGE, OCCUPATION, &c.

<i>Name</i>	<i>Residence</i>	<i>Post-office.</i>	<i>Occupation.</i>	<i>Age</i>	<i>Nativity.</i>	<i>Settled in Dakota</i>	<i>Married or Single</i>
H. D. BETTS,	Vermilion,	Vermilion,	Lawyer,	27	New Hampshire,	1860	Married
J. W. BOYLE,	Vermilion,	Vermilion,	Lawyer,	36	Pennsylvania,	1860	Married
D. T. BRAMBLE,	Yankton,	Yankton,	Merchant,	29	Vermont,	1859	Single.
W. W. BROOKINGS,	Sioux Falls,	Sioux Falls,	Lawyer,	29	Maine,	1857	Single
A. COLE,	Sioux Point,	Willow,	Farmer,	47	Ohio,	1860	Married
JACOB DEUEL,	Vermilion,	Vermilion,	Engineer,	31	New York,	1859	Married
J. S. GREGORY,	Mixville,	Mixville,	Merchant,	31	New York,	1857	Single
ENOS STUTSMAN,	Yankton,	Yankton,	Lawyer,	36	Indiana,	1858	Single
J. H. SHOBER,	Bon Homme,	Bon Homme,	Lawyer,	29	Virginia,	1858	Single.

OFFICERS.

J. H. SHOBER,*	Bon Homme,	Bon Homme,	Lawyer,	29	Virginia,	1859	Single
JAMES TUFTS,†	Tuftsville,	Tuftsville,	Lawyer,	29	New Hampshire,	1857	Single.
E. M. BOND,‡	Vermilion,	Vermilion,	Lawyer,	28	New York,	1861	Single
W. R. GOODFELLOW,	Sioux Point,	Yankton,	Lawyer,	24	Ohio,	1860	Single
S. W. INGHAM,§	Yankton,	Yankton,	Minister,	24	Indiana,	1860	Single.
CHARLES F. PICOTTE,¶	Yankton,	Yankton,	Farmer,	31	Dakota,	1854	Married.
E. B. WIXSON,**	Elk Point,	Elk Point,	Landlord,	28	New York,	1860	Single
W. W. WARFORD,††	Bon Homme,	Bon Homme,	Farmer,	26	Pennsylvania,	1859	Single

* President † Secretary ‡ Assistant Secretary || Engrossing and Enrolling Clerk § Chaplain ¶ Sergeant-at-Arms ** Messenger †† Fireman

COUNCIL JOURNAL.

FIRST DAY.

COUNCIL CHAMBER, }
Monday, March 17, 1862. }

Pursuant to the proclamation of the governor, the council of the Territory of Dakota assembled in the council chamber in Yankton, on the seventeenth day of March, eighteen hundred and sixty-two.

The council was called to order by Hon. John Hutchinson, secretary of the territory.

The following persons answered to their names:

First district, W. W. Brookings.

“ “ Austin Cole.

Second, “ Henry D. Betts.

“ “ John W. Boyle.

Third, “ Jacob Deuel.

Fourth, “ Enos Stutsman.

“ “ D. T. Bramble.

Fifth, “ John C. Shober.

Sixth, “

The chief justice, P. Bliss, appeared and administered the oath of office to all of the members present.

On motion of Mr. Shober, Mr. Stutsman was elected president, pro tem.

On motion of Mr. Bramble, James Tufts was elected secretary, pro tem.

On motion of Mr. Deuel, E. M. Bond was elected assistant secretary, pro tem.

On motion of Mr. Cole, W. R. Goodfellow was elected enrolling clerk, pro tem.

On motion of Mr. Bramble, W. W. Warford was elected fireman, pro tem.

On motion of Mr. Brookings, Eli Wixon was elected messenger pro tem.

On motion of Mr. Brookings, Charles F. Picotte was elected sergeant-at-arms, pro tem.

On motion of Mr. Bramble, S. W. Ingham was elected chaplain, pro tem.

The council proceeded to a permanent organization.

On motion of Mr. Bramble, John H. Shober was elected president of the council.

The president elect occupied the chair.

On motion of Mr. Bramble, James Tufts was elected secretary of the council.

On motion of Mr. Deuel, E. M. Bond was elected assistant secretary.

On motion of Mr. Cole, W. R. Goodfellow was elected engrossing and enrolling clerk.

On motion of Mr. Bramble, W. W. Warford was elected fireman.

On motion of Mr. Brookings, Eli Wixon was elected messenger.

On motion of Mr. Brookings, Charles F. Picotte was elected sergeant-at-arms.

On motion of Mr. Bramble, S. W. Ingham was elected chaplain.

On motion of Mr. Bramble, Messrs. Cole and Deuel were appointed a committee to inform the house of the permanent organization of the council.

On motion, Mr. Bramble was appointed a committee to act with committee from the house, to wait upon the governor, and learn when he will be able to meet the two houses in joint convention.

The following resolution was received from the house :

Resolved, That the chief clerk of the house be requested to notify the council, that the house is now permanently organized by the election of the following officers :

George M. Pinney, speaker.

J. R. Hanson, chief clerk.

James M. Allen, assistant clerk.

Daniel Gifford, engrossing clerk.

James Somers, sergeant-at-arms.

A. B. Smith, messenger.

Mr. Metcalf, chaplain.

Ole Anderson, fireman.

On motion of Mr. Bramble, the rules of the Nebraska legislature were adopted for the temporary use of the council.

On motion of Mr. Bramble, the chair appointed Messrs. Stutsman, Bramble, and Boyle, a committee to prepare and draft rules for the government of the council.

On motion of Mr. Bramble, Messrs. Bramble and Brookings were

appointed a committee to confer with a committee from the house, to prepare joint rules for the government of both houses.

The oath of office was administered to the following officers: Messrs. Tufts, Bond, Goodfellow, Picotte, Ingham, Wixon, and Warford.

On motion of Mr. Bramble, the secretary was instructed to inform the house, that the council has completed its permanent organization, and to inform them of the officers elect in the council.

Mr. Bramble moved, that when the council adjourn, it adjourn to meet to-morrow, at 9 o'clock, A. M., and that the council have but one session each day.

Carried.

On motion, council adjourned.

J. H. SHOBER, *President.*

JAMES TUFTS, *Secretary.*

SECOND DAY.

COUNCIL CHAMBER, }
Tuesday, March 18, 1862. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names: Messrs. Betts, Boyle, Bramble, Brookings, Deuel, Stutsman, and president.

Journal read and approved.

On motion of Mr. Bramble, the secretary was instructed to inform the house of representatives that the council would be ready to meet them in joint convention to-morrow, at such time as they may designate.

Mr. Brookings moved that a committee of two be appointed to wait upon the secretary and ascertain how many papers he will furnish the members of the council.

Carried.

Messrs. Cole and Betts were appointed such committee.

Mr. Bramble offered the following resolution, which was adopted:

Resolved, By the council of the Territory of Dakota, That the following persons be admitted within the council chamber at will, except when in executive session, to wit: The governor, secre-

tary, and judges of the territory, the members of the house of representatives, and reporters of newspapers.

The following communications were received from the house :

HOUSE OF REPRESENTATIVES, }
March 18, 1862.

MR. PRESIDENT:

I am instructed to inform your honorable body, that a committee of three has been appointed by the speaker of this house, to confer with a like committee on the part of the council, to draft rules for the two houses when in joint convention. And that the speaker has appointed as such committee, Messrs. Armstrong, Puett, and Wallace.

J. R. HANSON, *Chief Clerk.*

HOUSE OF REPRESENTATIVES, }
March 18, 1862.

MR. PRESIDENT:

Sir,—I am directed to inform your honorable council, that the house of representatives has appointed Messrs. Wallace and Tiernon as a committee to act in conjunction with your committee, the Hon. D. T. Bramble, to wait upon His Excellency the governor, and inform him that the legislature is now organized, and ready to receive any communication he may have to make.

J. R. HANSON, *Chief Clerk.*

Mr. Bramble, appointed a committee to act with a similar committee from the house, reported that he, in conjunction with the committee appointed by the house, waited upon His Excellency the governor, and was informed by him that he would be ready to deliver his message on to-morrow, at any time the two houses might designate, in joint convention.

The following communication was received from the house :

HOUSE OF REPRESENTATIVES, }
March 18, 1862.

MR. PRESIDENT:

Sir,—I am directed to inform your honorable body, that the following resolution has passed the house of representatives:

Resolved, That the house of representatives will be ready to go into joint convention with the council at eleven o'clock, A. M., to-morrow, and listen to such communication as the governor may have to make.

J. R. HANSON, *Chief Clerk.*

On motion of Mr. Boyle, the council adjourned at eleven o'clock, A. M.

J. H. SHOBER, *President.*

JAMES TUFTS, *Secretary.*

THIRD DAY.

COUNCIL CHAMBER,
Wednesday, March 19, 1862. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names: Messrs. Betts, Boyle, Bramble, Brookings, Cole, Deuel, and president.

On motion of Mr. Deuel, Mr. Stutsman was excused on account of ill health.

Journal read and approved.

The committee appointed to wait on the secretary, asked further time to report.

Granted.

The following report was read from committee on rules:

TO THE HONORABLE COUNCIL:

The special committee on standing rules would report, that they have had the subject under consideration, and beg leave to present the inclosed, for standing rules for the government of the council.

D. T. BRAMBLE,
AUSTIN COLE,
JOHN W. BOYLE, } Committee.

Mr. Brookings moved that the rules be adopted as reported by the committee.

Mr. Betts moved to amend so that the rules be read and acted upon separately.

Ayes and noes ordered.

Resulted, ayes 2; noes 5, as follows:

Ayes — Messrs. Betts and Boyle.

Noes — Messrs. Bramble, Brookings, Cole, Deuel, and president.

Amendment lost.

The original motion then prevailed, and the following standing rules were adopted:

RULES OF THE COUNCIL.

ORDER OF DAILY BUSINESS.

After the journal is read, the following order shall govern:

1. Petitions or memorials to be offered.
2. Notices of bills.

3. Resolutions.
4. Reports of committees.
5. Communications on the president's table.
6. Reports in possession of the council which offer grounds for a bill.
7. Bills or other matter before the council, and unfinished the preceding day.
8. The general file of bills, and other papers agreeably to their introduction in the council.

RULES.

1. The president shall take the chair at the hour to which the council is adjourned, and call the members to order; and if a quorum be present, he shall direct the journals of the preceding day to be read, and mistakes, if any, corrected. He shall preserve order and decorum, and decide all questions of order, subject to an appeal to the council.

2. One fourth of the members may have a call of the council, and absent members be sent for.

3. Questions shall be put in this form, namely, "As many as are of the opinion that (as the case may be), say 'aye.'" And after the affirmative voice is expressed, "As many as are of the contrary opinion, say 'no.'" If the president doubt, or a division be called for, the council shall divide—those in the affirmative of the question shall first rise from their seats, and afterwards those in the negative.

4. All motions (except to adjourn, postpone, or commit) shall be reduced to writing, if required by any member of the council. Any motion may be withdrawn before it is amended by the council.

5. Every member present, when a question is put, shall vote, unless he shall, for special cause, be excused by a vote of the council; but no member shall vote on any question in the event of which he is directly and personally interested, or in any case where he was not present when the question was put.

6. When a member is about to speak in debate, or deliver any matter to the council, he shall rise from his seat, and respectfully address himself to Mr. President, and shall confine himself to the question under debate, avoid personalities, and the imputation of improper motives.

7. When a question is under debate, no motion shall be received but to adjourn, to lie on the table, for the previous question, to postpone to a day certain, to commit or amend, to postpone indefinitely; which several motions shall have precedence in the order in which they are named; and no motion to postpone to a day certain, to commit, or to postpone indefinitely, being decided,

shall be allowed on the same day, and at the same stage of the bill or proposition.

8. The previous question shall be in this form: "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the members present, and its effect shall be to put an end to all debate, and bring the council to a direct vote upon amendments reported by a committee, if any; then upon pending amendments, and then upon the main question.

9. A motion to adjourn, to lay on the table, and for the previous question, shall be decided without debate; and all incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided — whether an appeal or otherwise — without debate.

10. Any member may call for a division of the question, which shall be divided, if it comprehends propositions in substance so distinct, that on being taken away, a substantive proposition shall remain for the decision of the council. A motion to strike out and insert shall be deemed indivisible; but a motion to strike out being lost, shall preclude neither amendments nor a motion to strike out and insert.

11. Every bill shall be introduced on the report of a committee, or by motion for leave, on giving at least one day's previous notice. Every bill shall receive three several readings previous to its passage; but no bill shall have its second and third readings on the same day, without a suspension of this rule.

12. The first reading of a bill shall be for information, and if objections be made to it, the question shall be, "Shall the bill be rejected?" If no objections be made, or the question to reject be lost, the bill shall go to its second reading without further question.

13. Upon the second reading of a bill or resolution, the president shall state it as ready for commitment or engrossment, and if committed, then the question shall be, whether to select a standing committee, or a committee of the whole. If to a committee of the whole, the council shall determine on what day. But if the bill be ordered to be engrossed, the council shall appoint the day when it shall be read the third time. No bill or resolution requiring the concurrence of both houses shall be committed or amended until it shall have been twice read.

14. When a question is lost on engrossing a bill for a third reading on a particular day, it shall not preclude a question to engross it for a third reading on a different day. On a third reading of a bill or resolution, no amendment (except to fill blanks) shall be received, except by unanimous consent of the members present.

15. A bill or resolution may be committed at any time previous to its passage.

16. In filling blanks, the largest sum and longest time shall be first put.

17. When a motion or question has been decided in the affirma-

ative or negative, any member, having voted with the majority, may move a reconsideration the same or the day following.

18. Before acting on executive business, the council chamber shall be cleared, by direction of the president, of all persons except members, the secretary, and sergeant-at-arms; the members enjoined to observe secrecy, and the secretary and sergeant-at-arms to be sworn.

19. No standing rule or order of the council shall be rescinded or suspended, except by a vote of two thirds of the members present.

20. The rules of parliamentary practice comprised in Cushing's Manual, shall govern the council in all cases to which they are applicable, and in which they are not inconsistent with the standing rules or orders of the council, and the joint rules of the council and house of representatives.

21. When the ayes and noes shall be called for by two of the members present, each member called upon shall, unless for special reason he be excused by the council, declare, openly and without debate, his assent or dissent to the question. In taking the ayes and noes, and upon the call of the house, the names of the members shall be taken alphabetically.

22. On the final passage of all bills the ayes and noes shall be taken. And there shall be the following standing committees:

Judiciary,	Counties,
Education,	Territorial Affairs,
Military Affairs,	Agriculture,
Incorporations,	Expenditures,
Finance,	Federal Relations,
Elections,	Public Printing,
Public Buildings,	Engrossed and Enrolled Bills.
Highways, Bridges, and Ferries,	

Mr. Bramble, from committee on joint rules, presented the following report:

TO THE HONORABLE COUNCIL:

Your committee on joint rules, having conferred with the house committee, have unanimously agreed to report the joint rules of the Iowa legislative assembly, striking out the word "senate" when it occurs, and insert the word "council."

All of which is respectfully submitted.

D. T. BRAMBLE, } *Committee on the*
W. W. BROOKINGS. } *part of the Council.*

On motion of Mr. Cole, the report of the committee was adopted as follows:

JOINT RULES OF THE COUNCIL AND HOUSE OF REPRESENTATIVES.

1. In every case of disagreement between the two houses, if either house request a conference, and appoint a committee, for that purpose, the other house shall appoint a committee to confer therewith upon the subject of their disagreement. They shall meet at a convenient time, to be agreed upon by their chairman, and having conferred freely, each shall report to their respective house the result of their conference.

2. When a message shall be sent from either house to the other, it shall be announced at the door of the house to which it is sent, by the doorkeeper thereof, and shall be respectfully communicated to the chair by the person by whom it is sent.

3. All messages between the two houses shall be communicated by the secretary or chief clerk, or their respective assistants.

4. When a bill shall have passed both houses, it shall be duly enrolled by the enrolling clerk of the house in which it originated, and the fact of its origin shall be certified by the indorsement of the secretary or clerk thereof.

5. When bills are enrolled they shall be examined by a joint committee of two from the council and two from the house of representatives, who shall be a standing committee for that purpose, and who shall carefully compare the enrolment with the engrossed bills, as passed in the houses, correct any errors therein, and make report thereof forthwith to their respective houses.

6. After said report, each bill shall be signed, first by the speaker of the house of representatives, and then by the president of the council, in the presence of their respective houses.

7. After the bill shall have been thus signed in each house, it shall be presented by said committee to the governor for his approval, and they shall forthwith report the day of presentation, which shall be entered upon the journal of the house in which the bill originated.

8. All orders, resolutions, memorials, or other votes which are to be presented to the governor for his approval, shall be enrolled, examined, signed, and presented in the same manner as bills.

9. When any bill, joint resolution, or memorial, which shall have passed in one house, is rejected in the other, notice of said rejection shall be given to the house which passed the same.

10. When a bill, resolution, or memorial, which shall have passed one house, is rejected in the other, it shall not be again introduced during the session without five days' notice, and leave of two thirds of the members voting thereon.

11. Each house shall transmit to the other, with any bill, resolution, or memorial, all papers upon which the same shall be founded.

12. When each house shall have adhered to their disagreement, a bill or resolution is lost.

13. When any bill or resolution, which may have passed one house, is ordered to be printed by the other, a greater number of copies shall not be printed than is necessary for the use of the house making the order. When any other bill or resolution shall be ordered printed by either house, a sufficient number of copies shall be printed for the use of both houses.

14. It shall be the duty of the chief clerk of the house of representatives, and the secretary of the council, when any document, except bills and resolutions, is ordered to be printed in their respective houses, forthwith to communicate such order to the other house.

15. In all elections in joint convention of the two houses, the names of the members shall all be arranged in alphabetical order, and they shall be called upon to vote in the order in which they stand arranged.

Mr. Bramble moved that the secretary be instructed to have a sufficient number printed for the use of the council.

Carried.

The president announced the following

STANDING COMMITTEES.

Judiciary, — Bramble, Stutsman, and Boyle.

Education, — Boyle, Betts, and Brookings.

Military Affairs, — Gregory, Brookings, and Boyle.

Incorporations, — Deuel, Boyle, and Stutsman.

Highways, Bridges, and Ferries, — Bramble, Deuel, and Cole.

Elections, — Brookings, Deuel, and Gregory.

Public Buildings, — Bramble, Cole, and Deuel.

Public Printing, — Stutsman, Bramble, and Cole.

Counties, — Cole, Deuel, and Betts.

Territorial Affairs, — Bramble, Stutsman, and Cole.

Agriculture, — Betts, Brookings, and Boyle.

Expenditures, — Boyle, Betts, and Brookings.

Finances, — Stutsman, Deuel, and Betts.

Engrossed and Enrolled Bills, — Brookings and Betts.

Federal Relations, — Gregory, Stutsman, and Deuel.

Mr. Betts moved that a committee of three be appointed to draft a code of laws for Dakota Territory.

Mr. Brookings moved that the motion be postponed until Monday.

Carried.

Mr. Betts presented the following resolution:

Resolved, That the council do now adjourn to meet the house

of representatives at 11 o'clock, A. M., to receive the governor's message.

Carried.

The two houses met in joint convention in the hall of the house of representatives at 11 o'clock, A. M.

The joint convention was called to order by the president of the council.

Mr. Bramble moved that a committee of three be appointed to wait on the governor, and inform him that the joint convention of both houses await his pleasure.

Carried.

The chair appointed Messrs. Bramble, Puett, and Wallace.

Mr. Armstrong moved the two assistant clerks of the two houses act as clerks of the joint convention.

Carried.

Mr. Bramble from committee to wait on the governor reported, that they had performed the duty assigned them, and His Excellency would immediately communicate with the joint convention of the two houses through his private secretary.

Mr. Fowler, private secretary of the governor, appeared and delivered a message from His Excellency, which was read by the secretary of the council, as follows:

GOVERNOR JAYNE'S MESSAGE.

GENTLEMEN OF THE COUNCIL AND HOUSE OF REPRESENTATIVES :

In assembling at this period of internal dissension and civil war, it would appear that we have especial reason to return thanks to an all-wise and beneficent Providence for the peace and quiet which the people of our territory have enjoyed; also, for the bountiful harvest we have gathered, and the unparalleled good health we have been blessed with during the past year, throughout our settlements.

Let us express the hope and faith, and offer an earnest prayer that the same Providence which directed our forefathers, more than two centuries since, across an unknown, trackless ocean, to plant in the western world the germ of civil and constitutional freedom, and which directed Washington through all the perils of the American revolution, will direct and guide the federal government through the struggle which now threatens her unity and life, until peace is secured, and the majesty of the constitution and laws are vindicated, and the people of all the world are rejoiced to behold the temple of constitutional liberty, safe, secure, resting upon a basis unmoved and immovable — the affections of the people.

By an act of congress on the second day of March, 1861, the territorial government of Dakota was created.

By virtue of the provisions of that organic act, you have been chosen by the voters of Dakota to compose the first legislative assembly.

To you they have delegated the authority to enact laws necessary for the protection of property, the security of life, and the efficient guarantee of all the social and civil rights, privileges, and immunities pertaining to the citizen under our free constitutional form of government.

It is well for you to remember that you are not legislating alone for to-day, but also for an indefinite future — not for the few thousand now resident in the territory, but for the tens of thousands who will soon be attracted within our limits.

Impress yourselves with the responsibility resting upon you, and go forward in your labors in founding a civil structure, with liberal and enlarged views of the duties devolving on you.

In judging correctly of the future, and calculating upon the coming wants and necessities of the territory, it is proper to examine our surroundings, to reflect upon our soil, climate, and the natural resources of the country.

Dakota Territory extends from the forty-third to the forty-ninth parallel of latitude, and from the ninety-seventh to the one hundred and thirteenth parallel of longitude — embracing an area of country greater in extent than all New England combined with the great states of New York, Pennsylvania, Ohio, Illinois, and Missouri.

Occupying the most elevated section of country between the Arctic ocean and the Gulf of Mexico; forming to a great extent the water-shed of the two great basins of North America, the Missouri and Mississippi rivers, and the tributaries of Hudson bay.

Thus within the limits of Dakota are found the sources of rivers running diametrically opposite; those flowing northward reach a region of eternal ice, while those flowing southward pass from the haunts of the grizzly bear and the regions of wild rice, through the cotton fields and the sugar plantations of the southerner, until their waters are mingled with the blue waves of the Gulf.

The general surface of the country east and north of the Missouri, is a beautiful, rich, undulating prairie; free from marsh, swamp, or slough, traversed by many streams, and dotted over with innumerable lakes of various sizes, whose wooded margins, and rocky shores, and gravel bottoms afford the settler the purest of water, and give to the scenery of the territory much of its interest and fascination. West of the Missouri, the country is more rolling, and gradually becomes broken, hilly, and finally mountainous as the western limits are reached and terminated by the Rocky mountains.

The mighty Missouri runs through the very heart of our territory, and gives us more than one thousand miles of navigable watercourse; thus giving us the facility of cheap water transportation, by means of which we can bear away the surplus products of our rich, luxuriant lands, to southern markets, and receive in exchange the trade and commerce of all climes and lands.

We have, located on the Missouri, Big Sioux, Red river of the North, Vermilion, Dakota, Niobrara, millions and millions of acres of the richest and most productive lands to be found anywhere within the bounds of the national government.

We have combined the pleasant, salubrious climate of southern Minnesota, and the fertility of soil of central Illinois.

The incentive to immigration is so great, and the inducements and advantages so promising, that it is no idle fancy which pictures the towns and cities which are soon to cover and enrich our hills and valleys and river sides. In arriving at a correct estimate of the probable settlement of our territory, it is well to bear in mind some very favorable facts, which promise much in the development of our resources and increase of our population. Thermal statistics and experiments prove, that within the limits of our territory are to be found both the climate and soil necessary to produce most successfully the two great leading staples of American agriculture—corn and wheat. We find that, starting from Chicago as a point, that the isothermal line rises to a higher and higher degree of latitude as you go westward.

We find that Fort Benton on the Missouri river, in the extreme northern part of Dakota, possesses the same mean temperature of Chicago, and Albany, New York.

The corn producing belt of country, which runs through Ohio, Indiana, and Illinois, extends north and west, through Iowa up the valley of the Missouri through Dakota.

According to Blodgett, the author of a very able and interesting work on the climatology of the United States, the thermal capacity required for the successful cultivation of Indian corn, is a mean temperature of sixty-seven degrees for July, and it may go a little beyond sixty-five for the summer. According to the same authority, the thermal capacity required for the successful cultivation of wheat is a mean temperature of from sixty-two to sixty-five degrees during the ripening months. Statistics prove that our territory possesses a considerable excess of the temperature required, being beyond seventy.

Another fact should be borne in mind, that while we are not flooded with the excessive spring rains which often retard the putting in of crops in the states south-east of us, yet we do have in the late spring and early summer months, copious showers, which supply vegetation with all the moisture needed for the rapid growth which is characteristic of this region. The capacity of our territory for raising immense herds of cattle, and for the production of large crops of corn, wheat, oats, rye, barley, buckwheat,

potatoes, sorghum, melons, fruits, and vegetables, demonstrate the ability of our country to sustain a dense population.

Our territory possesses a climate especially conducive to health and longevity; occupying an elevated section of the country, we are free from the humid, raw, chilly weather often prevailing in the central western states, we have a dry, bracing atmosphere, which gives tone and vigor to the physical system.

We have a temperature sufficiently high in July and August to insure the rapid growth and maturity of all our cereal products; yet our hot weather is not continuous enough to engender those malarious diseases, ague, bilious fevers, and dysentery, which prevail in Ohio, Indiana, Illinois, and Missouri.

What were once the great wheat producing states of the country, are becoming less and less so, each succeeding year. The uncertainty of the crop discourages its cultivation in those states, and the growing demand for shipment to Western Europe, must be supplied from other sources.

I venture the prediction, that the wheat granary of this continent will yet be found in the valley of the Red river and Saskatchewan.

The day is not distant when the eye, which can now behold only the vast expanse of prairie and the tall luxuriant grass waving before the wind, will rest gratified and contented upon the farm and workshop, the school-house and church. We should bear in mind that within the last thirty years, the great states of Indiana, Illinois, Michigan, and Missouri have been settled up; and that within twenty years Iowa and Wisconsin have been rescued from the possession of the roaming Indian, and subdued to the usages of civilized man.

Thus has one generation witnessed an area of country no less than ours, transformed from the hunting ground of the Indian, the scene of the chase and war-dance, and converted and divided into six of the most populous and thriving states of the Union.

Shall we not judge of the future by the past. As regards soil, climate, beautiful uplands, rich prairies, luxuriant bottoms, productive mountain valleys, mineral wealth, navigable rivers upon which to float our cereal products and commercial exchange, what section of country within the broad confines of our republic is fairer, or lovelier, or richer, or more inviting as the home of the active, intelligent, and industrious citizen? Before a generation shall have passed, more than a million of people will be living in the valley of the Missouri alone. The Pacific railroad will have been long completed, connecting the two oceans with its iron bands. The trade with India and Japan, the commerce of the opulent and gorgeous East will pass through our borders on its way to the great cities on the Atlantic. By the transit of a world's commerce over a thousand miles of our territory, we will derive incalculable benefit.

The experience of six thousand years, and the verification of all history is pointed and conclusive, that activity, prosperity, and opu-

lence are inseparably connected with the great lines of intercourse between nations. Along the great highways of the world, where passes and repasses the goods, wares, merchandise, the products, the commodities, and the wealth of nations, there towns and cities spring up, manufactures are established, and all the industrial arts are quickened and encouraged, and from these centres, ramify and extend rivulets of business and avenues of wealth.

I congratulate you, gentlemen, as the representatives of the people, who are most fortunately and happily located in a portion of this country which possesses within itself all the elements which are necessary to constitute a great, prosperous, and powerful state. Our rich alluvial lands will produce the corn, and the broad prairies the nutritious grasses which are ample to feed and support cattle enough to supply every market in the Union.

The salt lakes in the northern part of the territory, can furnish inexhaustible supplies of the best of salt.

The high rolling prairies south and west of the Missouri, seem especially intended for the herdsmen of sheep, and the growth of wool. The falls on the Big Sioux furnish a motive power sufficient to drive all the machinery of the New England mills.

The Black hills, and the mountain ranges at the sources of the Wind river, Yellowstone, and Missouri, are rich beyond conception in mineral resources of coal, copper, iron, and gold.

The explorations and discoveries at Pike's Peak and on Fraser river, connected with the geological formation of the western part of Dakota, would indicate these facts; but what is more satisfactory, we are already in possession of actual knowledge in relation to the mineral deposits of that region, obtained by the discoveries of missionaries and trappers, who, braving all trials and dangers, have visited that region which has been scarcely marked by the footprint of the white man.

With all the elements of power surrounding us, we need but members, combined with industry, intelligence, and virtue, to make Dakota one of the most desirable and potent states of the government.

Gentlemen, upon the result of your legislative action depends in a great measure the rapidity with which this territory is to be settled up, and her mighty resources developed, and her place claimed as one of the bright stars which shall emblazon our national ensign.

It is your duty, and I doubt not the result of your labors will be, by the exercise of just, wise, and judicious legislative action, to invite and encourage immigration, to stimulate settlement in our midst, and to attract within the limits of our territory thousands of people who each year leave their homes in the older states, to seek new homes and participate in the common benefits incident to all new countries.

Laying the foundations of government, and erecting thereupon a social, civil structure, beautiful and symmetrical in all its parts,

will require earnest, thoughtful consideration, based on all the light you can obtain from an examination of the enactments of the different states and territories of our country.

Among the different subjects which will demand your attention, not the least will be, a system of civil and criminal laws; an educational system; a militia system; the character of your county organization; a county and territorial financial system; the extent of powers proper to be granted to corporations, of a moneyed, mining, manufacturing, or railroad character.

I trust you will give due deliberation to all your enactments of civil and criminal law.

The peace, quiet, and stability of society, depend upon the protection and security of property, liberty, and life. In a natural state of society, without any form of government, every man is compelled to rely upon his own individual prowess for the maintenance of his rights, and the enjoyment of his property and security of his life. With the organization of society, law and government, every one concedes and gives up a portion of his natural rights, and defers to law and authority for the adjustment of questions and the decision of claims which otherwise could only be settled by force. Therefore it is due from the government to the citizen, that what he has relinquished of his natural rights, should be more than compensated in the security of person and property by the guarantee of law. Therefore it becomes your duty to secure to every citizen the peaceful possession and enjoyment of all his rights of property and person; also enact laws which shall deal out prompt punishment to all evil doers and violators of law.

Criminal law should not be so harsh and cruel as thereby to defeat itself, but it should be just in its retributions, and severe in proportion to the offence committed. I trust and believe that your record of doth civil and criminal law will be such as shall commend itself to the approval of an enlightened age, and an advanced civilization.

I believe in the truthfulness of the remark of one of the most sagacious of our revolutionary statesmen, "that the great hope of a free people was dependent upon her educational and militia systems." There is no subject more essential and vital to the prosperity and general welfare of the territory, than the subject of education. The virtue, intelligence, and public happiness of a people, and all that conduces to the advancement of the prosperity, wealth, and power of a country, is intimately associated with, and dependent upon, the development of the educational interest of the state.

In communities where truth, virtue, intelligence, and knowledge prevail, there crime is rare, and poverty almost unknown. Every dollar of taxes levied for the support of schools, lessens, by many dollars, the taxes which would be assessed for the support of prisons and poor-houses. If attention to one interest more than another has made Massachusetts the first of the great, rich, proud, and powerful commonwealths of the Union, it has been the ever watchful,

constant, liberal encouragement and aid given to her educational interests.

I recognize the difficulties you must encounter in your efforts to establish a practical and efficient system in our (at present) sparsely settled territory. Let us, at least, take the first steps, and show to all who may be looking to our territory for a future home, that we are not unmindful of the great interests of education and the proper moral and intellectual training of the youth of our land.

Every nation relies more or less upon her militia system for the maintenance of her authority at home, and vindication of her national rights and honor abroad. A free people are and should be ever jealous of a large standing army. Those nations who enjoy a constitutional form of government, are more dependent upon their militia than those ruled by arbitrary power. A free people, whose laws and government are the expression and creation of the popular will, are averse to a regular army which eats up the resources of the industrial classes; they rely chiefly upon the citizen soldier in any emergency which shall give occasion for the use of military force. Holding, as we do, the most advanced outposts of settlements; having a widely extended frontier exposed to the hostile incursions of a savage foe, it is imperative that we institute and cultivate a plain, economical, and thorough militia system, adapted to our situation, and adequate to the necessities of our people.

The slavery question has been an exciting and distracting subject of dispute, of late years, in the territories. I hope we may be free from it. I would recommend to your body that you pass a law prohibiting, for all time to come, in this territory, slavery or involuntary servitude except for crime. I should hope to see such a law passed without a dissenting voice. I hope that the free air of Dakota may never be polluted, or her fair virgin soil pressed, by the footprint of a slave. Congress having seen proper to create this territory without exercising her authority in prohibiting slavery, to us, therefore, has devolved the welcome task of recording our approval of the sentiment of Jefferson, when he declared slavery was a "moral, social, and political evil." There is a conflict between the principles of freedom and slavery. That conflict has existed from the creation of the human race. There is an eternal antagonism between the principles of freedom and slavery. The constitution of the human heart and human mind makes the conflict inevitable, and sooner or later one or the other must gain the supremacy. Liberty is neither a cheat, a delusion, or a lie, but a vital principle of the human heart, born of the nature of man and the revelation of God—it is eternal and cannot die. Recognizing these self-evident truths, I trust that we shall start right. Let us by a prohibitory enactment express our repugnance to an institution which to-day convulses the continent; arrays a million of men in arms; interrupts our commerce, suspends business, prostrates trade, and paralyzes all the industrial interests of the country; which has dark-

ened the home, widowed the wife, and made fatherless the children of some of the bravest and noblest in the land, and bequeathed to our children and children's children an untold burden of taxation and debt. In this great and rich territory, possessing extent of country and natural resources sufficient to make an empire, let freedom rule—let this be the home of the white man. Declare by legislative enactment that here labor shall be honored, respected, and rewarded. Let us make room in our territory for no privileged class, spurning labor and the laborer—exalted above common sympathies and cares—sacred against vulgar necessities and scorning honest occupation. Let us pass this law, and then we shall be done with slavery so far as we have any authority over the question; leaving it where the constitution has left it, and the fathers of the constitution left it, with the states where it exists, to be by them regulated as they deem best.

I take this occasion to warn you against falling into the snares of bank men. Too often it has been the case that legislative sanction has been given, in the new territories, to the design of cunning men, who, unwilling to labor, have endeavored by plausible schemes of finance, to put afloat worthless bank paper, which soon depreciates and becomes valueless after it is in the hands of the laboring men of the country. I hope you will turn a deaf ear to all their applications for bank charters, and that you will, to the best of your ability, secure our citizens against the evil of a pernicious paper currency.

Elections in the new territories, of late years, have been so fraudulently conducted, that the word election has almost become, in the territories, a synonym of fraud, deception, and corruption. Upon the purity of the elective franchise rests the basis of our government. I trust that you will enact a stringent election law, one which shall secure to our people immunity from fraud.

At the present time we are suffering inconvenience for want of proper accommodation for the various departments of our territorial government; but they are but temporary. I have no doubt but what congress, with her accustomed liberality and fostering care to her territories, will make provisions by appropriating as liberal an amount as the state of the treasury will justify, for the purpose of erecting buildings for the use of the various departments of our government.

Some appropriations which I think it is very necessary should be made, may be neglected by the general government, unless we bring them to the notice of congress, and show the propriety and the advantages to be received by the territory and the government in return for the expense.

It would seem to me very proper that the legislative assembly should memorialize congress on the subject of an appropriation for military roads, and a geological survey of the territory, and a Pacific railroad. There should be a military road from the mouth

of the Big Sioux to Fort Randall, and from Randall to Fort Laramie; also, one from the Red river of the North to the Missouri.

Every man who is acquainted with the country west of the Missouri is aware of the fact that Fort Randall should be the distributing military post west of the Missouri, and north of the Kansas rivers. Thousands and tens of thousands could and would be saved to the treasury, by making Fort Randall, instead of Fort Leavenworth, the distributing post for supplying Laramie, and the military posts in Utah. There would be thus saved to the government the expense of more than three hundred miles of land transportation.

No better road can be found to Laramie than one running along the Niobrara river. As we have good water communication from St. Louis to Fort Randall, goods and army stores would be delivered at Randall at but a trifling cost more than the government pays for freight to Leavenworth. It is only necessary for this matter to be brought to the attention of Congress to have the change effected. The economy of the change, in connection with the present excessive demands on the treasury, is an imperative reason why it should be done promptly and at once.

I would recommend that you memorialize congress on the subject of the Pacific railroad. The only route to the Pacific, along the line of which the country is capable of sustaining a continuous and prosperous settlement, is through this territory. By any other route, hundreds of miles of the railroad must pass through a barren, sterile country, not susceptible of settlement. The cost of construction of such parts of a railroad, would necessitate an immense outlay in the original cost, as would also the annual expense of repairs. Through Dakota is to be found the most direct route; one easy and cheap of construction, and the character of the country through which the road would pass insures a rapid and prosperous settlement along the whole line. A direct route from New York city along the shore of the lakes, would pass through Chicago, Dubuque, and Sioux city, up the valley of the Missouri to the mouth of the Niobrara, and then up the valley of the Niobrara to the South pass. Chicago and Dubuque must extend the hand of welcome to us, and coöperate with us in securing the early completion of a railroad to this territory, if they would avail themselves of the trade of the tens of thousands who will soon occupy the valley of the Missouri. Otherwise our trade and travel will seek New Ulm and Mankato for an outlet, and St. Paul as the centre of the trade and commerce of the territory. St. Paul being only two hundred miles distant from the town of Sioux falls, situated near the eastern line of the territory.

The propriety of a geological survey of the territory has already been brought to the notice of the government in a very able manner by our efficient surveyor-general, George B. Hill, Esq. Feeling a great interest in this survey, I cannot refrain from urging on

you that you should coöperate in securing by congress a liberal appropriation for that purpose. I am confident that there is west of the Missouri river, untold wealth in the mineral resources of Dakota Territory. The recorded opinion of some of the most eminent geologists in the United States, and information gathered from missionaries and trappers who have visited that part of the country confirms that belief. Every dollar appropriated will be returned a hundred fold, by the addition to our population, the increase of business, and the amount of land sold.

I hope you will memorialize congress upon the subject of the Homestead law, and urge its immediate passage. That question is no longer an open one and subject to debate. The American people have declared almost unanimously in favor of the justice, wisdom, and necessity of such a law—the grant of 160 acres of land to every actual settler, who is willing to go out on the public lands, and settle upon and occupy the same. If such a bill fails to become a law at the present session of congress, it can only be by the neglect of those who are the most vitally interested in its enactment.

Agriculture being for some time to come the leading interest in our territory, I should deem it proper in you to give to that interest the benefit, fostering care, and protection of just and wise legislation. Proper laws should be passed to prevent, as far as possible, those extensive prairie fires, which sweep over the country in the fall months, and have destroyed crops, and fences, and houses, and have injured to so great extent the young timber, which is so rapidly growing along all our streams. If these fires can be prevented, a few years will suffice to make Dakota a well-timbered country.

Territorial roads should be surveyed and established by law at an early day, between the different towns and settlements, by the most direct and eligible routes. Proper attention to this will secure our settlers from much trouble and annoyance, which otherwise will hereafter arise upon the location of roads at a later day.

Having within our territory a large Indian population, it would seem desirable that you should enact some law regulating intercourse between our citizens and the different tribes. As our citizens are excluded from going upon the Indian lands without a permit, it would seem to me just that the Indians should not be allowed to roam at will over the ceded lands. I believe that all Indians should be restricted to the unceded lands and their reservations. I believe that such a requirement would conduce to the peace and quiet of the territory, and free the settlers from the annoyance of these straggling Indians who are wandering about the country. Such an exclusion from the ceded lands would do away with the opportunity, which now tempts bad white men to carry on an iniquitous liquor traffic with the Indians.

I would recommend to you that a law be passed, securing to

every family exemption from execution and sale of their homestead; if residents of a town, a house and lot of a fixed value; if resident in the country, a house and so many acres as your wisdom may determine.

I believe that such a law is eminently just and proper. I would have every man know, and especially every wife and child feel, that there was one spot on earth that they could call home; one place that the cruel and remorseless creditor could not tread upon; that one fireside was sacred, and that one roof should shelter and protect the innocent and unfortunate.

I hope never in Dakota to see the harsh creditor darken the door, and drive from the home the wife, or it might be the widow and her children, because, forsooth, he could, in his wily brain and bloodless heart, overreach in trade the honest but improvident husband and father.

The vast expense of the federal government incurred in the prosecution of the war, will necessarily impose upon all the people of this country a burden of taxation hitherto unknown in our government. As the expenses of the executive, judicial, and legislative departments of our territorial government are defrayed by congress, with the exception of our proportion of the war tax, the taxes levied on our people should be very light.

I hope that the form of our county organization, and the powers granted to the county authorities for the levying of taxes, will be so guarded as to confine them to the strictest economy consistent with efficiency. The great error committed in other territories has been the disposition to incur debt, and to issue territorial warrants and county orders. Sound public policy forbids such a system of finance. A depreciated currency increases the price paid, and the enhanced price necessitates an additional issue, which again contributes to lower the county or territorial credit.

Our proportion of the war tax, our people will cheerfully pay. There being as yet no titles to real estate in this territory — no land-office having yet been opened, much is left to your body, to decide as to the proper system of taxation to adopt.

I would recommend the passage of a law, which shall secure to every citizen of Dakota, who shall volunteer to go into the service of the United States, upon the requisition of the War Department upon our executive, his right of voting without regard to where he may be stationed on election day.

I would not have his patriotism be the means of depriving him of the proudest right of the citizen — the enjoyment of the elective franchise. This proposition is so plainly just that it need only be suggested to be approved.

I take this occasion to express my gratification at the prompt response made by our loyal citizens to the requisition made by the War Department upon the executive of Dakota for volunteers to garrison Fort Randall, and thus relieve the regulars who were sta-

tioned there, who were needed South to aid in crushing this most accursed rebellion, In a few weeks the requisition was filled, and we now have a volunteer force of which we have just reason to be proud. Every citizen felt it a privilege that Dakota, in common with her older sisters, should be allowed to contribute her mite to aid the federal government in this, the darkest day of her life.

If the exigencies of the war should demand it, I believe that every male citizen within our limits, would abandon the field and workshop, and with his musket upon his shoulder, would rush to the tented field to the rescue of the constitution. That, I trust, will not be necessary.

I believe the dawn of a better and brighter day is upon us. This most infamous rebellion, born and bred of an aggressive, domineering interest, must die — must perish, that faith in the justice of God shall be vindicated. He is but a superficial observer of political events, who does not recognize as the primary cause of this rebellion, the institution of slavery. Can it be possible, that, in the providence of God, an institution founded in error, injustice, and despotism, shall become the instrument for the destruction of a government, the wisest and best ever framed by the inventive genius of man? I cannot believe so.

I recognize in the darkness that now clouds our beloved country, and the heavy hand which presses upon her, the inscrutable workings of a Divine Providence, "who doeth all things well." I believe that we shall come out of this rebellion better, purer, and and stronger — that the American Union will continue to move upward and onward in her destined path in the history of the world. I have never entertained any fear of the disruption of our government, the division of our Union, and the overthrow of the constitution. A glance at the map of North America, should satisfy any one that nature made this country for one people to dwell in, from the Atlantic to the Pacific, from the lakes of the North to the gulf of the South.

The great North-west, the region of the lakes, and the valleys of the Mississippi and Missouri, whose waters divide and seek the ocean, to the east through chains of the great lakes and the St. Lawrence, to the south through the Mississippi and the Gulf of Mexico, forbids a division. The millions who live upon the Upper Mississippi and its tributaries, can never consent to a division of the Union. To them, an imperative political and commercial necessity forbids a division. To allow the mouth of the Mississippi to belong to a foreign power, would be to subject ourselves to trouble and annoyance, and all our commerce to unjust and arbitrary taxation. An absolute, overwhelming necessity compels us to remain one people — one nation — with the flag of our fathers floating over every state.

Six hundred thousand freemen are to-day in martial array — citizen soldiers — not an unwilling conscript among them all —

a prouder army than Napoleon, in the plenitude of his power, ever reviewed; each and every man crying aloud to be led on to battle and to victory.

The men composing that army are men of peace, who prefer the peaceful walks of life, who love to tread in the paths of agriculture, the mechanic arts, trade, and commerce; but they are men, who, when treason opened its batteries upon Sumpter and its little band of devoted men, inspired by the noblest impulses which are planted in the human heart, bid farewell to home and its comforts, to father and mother, wife and children, and rushed to the tented field, with willing hearts and strong arms, offering all upon the altar of their country, ready to pour out their blood like water, and yield their lives, if need be, in defence of the supremacy of law and the constitution.

With such an army, engaged in such a cause, who can doubt the final result? Though they were not the first to seek the arbitrament of the sword, they will be the last to leave it. Though they did not provoke or commence the conflict, they will be the last to abandon it. Let the war be prosecuted vigorously, and in deadly earnest, with but one object in view, the unity of the country, the preservation of the Union, and the assertion and supremacy of the constitution, over every foot of our widely extended domain. Let nothing cramp or hamper the noble efforts of our army; whatever stands in the way of success, let it be trampled under foot.

Let us commit no blunder by placing any interest before or above the Union, least of all that interest which is solely and entirely responsible for the rebellion which to-day convulses the nation.

If slavery stands in the way of a successful subjugation of this hellish rebellion, let slavery die. If in the providence of God it should come to pass, that through the efforts for the preservation of constitutional liberty, the institution of human slavery should be blotted out of existence, no lover of humanity, civilization, and Christianity, will drop a tear over its grave.

The events of the last forty days have given heart and hope to the whole country. The advent of Secretary Stanton into the War Department, with the declaration that the business of the army was "to attack, pursue, and destroy the rebellious enemy," electrified the nation. The late glorious victories in Kentucky, Tennessee, North Carolina, and Missouri, have made good the declaration. Manassas and Columbus are evacuated—the two great strongholds of the enemy.

This is due to the new vigor infused into the War Department, by the act of the president in placing in that department, a man of will and purpose. Upon the accession of Stanton into the war office, a cabinet meeting was called. The country had furnished six hundred thousand men, and six hundred millions of money; and was clamorous and impatient for an advance. The

zeal and patriotism of the people were likely to become paralyzed, unless something was done to justify the immense outlay of men and money.

The president, rising with the occasion, asserting his rights and duties as commander-in-chief of the army and navy, having, with his far-sighted and sure-footed judgment, surveyed the whole field of military operations, he declared that the backbone of the enemy was to be broken, by a vigorous advance in the West, and that the just expectations of the people should be fulfilled.

Abraham Lincoln directed that Buell and Grant and McClelland and Curtis should advance, and make good the declaration of Stanton that the business of the army was "to attack, pursue, and destroy the rebellious enemy."

The terrible energy of those armies, drawn from the bone and sinew of the West, led by Generals Grant, McClelland, Curtis, and Buell, have not only won the most fierce contested battle fields, but have compelled the evacuation of Columbus and Manassas, without the sacrifice of a life.

We already see the beginning of the end. The haughty and rebellious enemy have been driven, at the point of the bayonet, from behind their own chosen and well-fortified entrenchments.

These victories do not prove that the men of one section are any braver or better than those of a different section of our common country; but it proves that "he is thrice armed who hath his quarrel just:" it evidences that the ingrate and wicked and rebellious citizen, seeking to destroy the priceless legacy of constitutional liberty, bequeathed by Washington and his noble compatriots, cannot withstand, on the battle field, the indomitable will and determined valor of the citizen, who, giving his life to his country, and his soul to God, fights to "preserve, protect, and defend" that rich political inheritance, purchased by the struggles of our fathers, on the bloody fields of Trenton, Monmouth, Saratoga, and Yorktown.

The glorious victory won by the unparalleled bravery and heroism of the army of the North-west—the men of Illinois, aided by their fellow-soldiers of Iowa and Indiana, and other Western states, have won imperishable honor. The attack and capture of Fort Donelson, is the most brilliant military victory ever won on the American continent. To every officer and soldier of that gallant army, the whole American people owe a lasting debt of gratitude, and they will ever live in their hearts.

This victory has given us possession of the state which holds the honored remains of the great chieftain, who so heartily hated and despised this cursed heresy of secession. Standing by the grave of Jackson, may our brave soldiers renew their faith and redouble their will, and swear "by the Eternal," secession shall die.

Andrew Johnson, the purest of patriots and the most courageous of men, who in the darkest hour, and amid the thickest gloom, when reverses attended our arms, and hope almost fled the stoutest

heart, he faltered not—despaired not—proscribed and exiled from his home for months by the hellhounds of secession, to-day he re-visits his home, and stands upon the soil of Tennessee, with the “stars and stripes” floating over the capital. Let the energy of the last sixty days continue—as it will continue—and a few months will witness the end of this monstrous and stupendous slaveholders’ rebellion.

Gentlemen, I trust that when your labors are over, and you shall have passed away from the field of legislative action, that those who shall come after you, may remember you as not unmindful of the responsibilities imposed upon you. It is well you should bear in mind the age in which you live, and the nation of which you are a part.

Let your memories run back a little over two centuries, and there is present before you a small band of refugees, hated, despised, and oppressed, about to set sail upon an angry sea, seeking a home in the unknown western world, bearing with them the germ of civil and religious liberty, which to day has expanded, until it has become the first nation of the world.

Let your imagination run forward only half a century, and you behold the American Union dictating the law to all nations. You behold her without a parallel in the history of nations: first in the arts and sciences, in religion and literature, in peace and arms, the pride of all governments, the hope of the oppressed, the asylum of the refugee, a nation kind to the weak, firm to the strong: a republic which will stand unmoved amidst the throes of revolutions, while thrones totter and empires pass away: beautiful as Cytherea, as she arose from the flashing foam of the Egean; more powerful than Rome in the days of the Cæsars, or France under the imperial sway of Napoleon; a government with a hundred millions of loyal subjects, carrying the beneficent influence of her arts and her civilization upon the wings of her commerce, over every sea and ocean, to every continent and isle, which smiles beneath the genial rays of the sun.

In conclusion, allow me to assure you that it will be my endeavor to cordially, earnestly, and faithfully coöperate with you in the enactment of all laws which your wisdom may suggest, which shall prove kind in their influence, and tend to advance the honor and greatness and glory of Dakota.

W. JAYNE.

YANKTON, DAKOTA TERRITORY.)
Executive Department, March 17, 1862. }

On motion of Mr. Waldron of the house, the joint assembly adjourned.

JAMES TUFTS, *Secretary*.

J. H. SHOBER, *President*.

FOURTH DAY.

COUNCIL CHAMBER,
Thursday, March 20, 1862. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names: Messrs. Betts, Boyle, Brookings, Cole, Deuel, Stutsman, and president.

Journal read and approved.

Mr. Betts gave notice of a bill to adopt the laws of Nebraska, so far as applicable, for the government of the Territory of Dakota, until such time as the legislative assembly of the Territory of Dakota shall enact a code of laws.

On motion of Mr. Brookings, the following resolution was adopted:

Resolved, That the secretary be requested to have printed for the use of the council, fifteen hundred copies of the governor's message in the English, three hundred copies in Norwegian, and two hundred in the German language.

Mr. Stutsman asked to be excused from serving on the judiciary committee.

On motion, excused.

The chair appointed Mr. Boyle in place of Mr. Stutsman.

Mr. Cole, from committee to wait on the secretary, and inquire what number of papers would be furnished the council, presented the following communication:

DAKOTA TERRITORY, OFFICE OF SECRETARY, }
March 20, 1862. }

MESSRS. COLE AND BETTS, COMMITTEE OF COUNCIL:

I have to say to you, and through you to the members of the council, that at present I have concluded to pay for newspapers published in this territory to the amount of three dollars to each member, including the officers of each house. Arrangements will be made so as to furnish each member the respective number of papers at his desk.

I am, very respectfully,

Your obedient servant,

JOHN HUTCHINSON, *Secretary*.

The secretary of the territory appeared in the council hall, and presented the following communication:

DAKOTA TERRITORY, EXECUTIVE OFFICE, }
Yankton, March 20, 1862. }

TO THE HON. PRESIDENT AND MEMBERS OF THE COUNCIL:

I have to say to you, that arrangements have been made by me with the postmaster at this place for the payment of postage of the members of the legislative assembly, including the chief clerks, to the amount of four dollars to each person.

You will superscribe your name, also the word "Council;" also mark the number of papers in each package.

I am your obedient servant,

JOHN HUTCHINSON, *Secretary.*

On motion of Mr. Bramble, the council adjourned at half past ten, A.M.

J. H. SHOBER, *President.*

JAMES TUFTS, *Secretary.*

FIFTH DAY.

COUNCIL CHAMBER, }
Friday, March 21, 1862. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names: Messrs. Betts, Boyle, Bramble, Brookings, Cole, Deuel, Stutsman, and president.

Journal read and approved.

The president called Mr. Bramble to the chair.

Mr. Shober gave notice of a bill providing for the exemption of certain property from execution, writ of attachment, or any other final decree or process of any court.

Mr. Shober presented the following resolution:

Whereas, The organic act organizing the Territory of Dakota invests the executive with the absolute power which we believe to be incompatible with the fundamental principles of republican form of government, and dangerous to the rights of the people; therefore,

Resolved, That we heartily and unanimously indorse the course of the Hon. J. B. S. Todd, our delegate in congress, in his efforts to procure an amendment to the organic act of Dakota Territory, so as to have it recognize only the usual veto power.

On motion of Mr. Brookings, the resolution was adopted.

Mr. Brookings asked to be excused from serving on committee on elections.

On motion, excused.

Mr. Shober gave notice of a bill to provide for county organizations.

Mr. Boyle gave notice of a memorial, praying congress to make a grant of land to the Territory of Dakota to aid in the construction of certain railroads, and for other purposes.

The following message was received from the house:

MR. PRESIDENT:

SIR,—I am directed to inform your honorable body that the house of representatives have adopted, without amendment, the report of the joint committee appointed to draft rules for the government of the two houses when in joint convention.'

J. R. HANSON, *Chief Clerk.*

On motion of Mr. Shober, the secretary of the council was instructed to inform the house that the council had adopted the report of the joint committee on joint rules, for the government of the two houses.

Mr. Stutsman gave notice of a bill, providing for certain corporations.

Mr. Brookings gave notice of a bill or resolution, providing for the payment of the direct tax apportioned to Dakota.

On motion of Mr. Cole, the council adjourned at half past ten o'clock, A. M.

J. H. SHOBER, *President.*

JAMES TUFTS, *Secretary.*

SIXTH DAY.

COUNCIL CHAMBER, }
Saturday, March 22, 1862. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names: Messrs. Betts, Boyle, Bramble, Brookings, Cole, Deuel, Stutsman, and president.

Journal read and approved.

The president appointed Mr. Stutsman to the committee on elections, in place of Mr. Brookings, excused.

On motion of Mr. Stutsman, the chaplain was excused until Tuesday.

On motion of Mr. Boyle, the same privileges of admission to the council-room were granted to James McFetridge, as are granted to the governor, secretary, judges, members, &c.

On motion of Mr. Deuel, all citizens were admitted to the lobby so far as it may accommodate.

Mr. Bramble gave notice of a bill for an act, entitled an act to create a lien for mechanics and others.

Also, of a bill for an act to locate a territorial road from Yankton, via Smutty Bear's camp, Bon Homme, and Springfield, to a point opposite the mouth of the Niobrara river.

Mr. Betts gave notice of a memorial to the congress of the United States, asking for the establishment of a mail route from Sioux Falls city to Vermilion.

Mr. Brookings gave notice of a bill defining the boundaries of counties on the Big Sioux river.

Also, of a bill fixing the time of holding the annual elections of the territory; also, of a bill to establish a system of common-school education.

Mr. Deuel gave notice of a bill fixing the boundary lines of a county next east of the second judicial district.

Mr. Boyle gave notice of a bill defining the boundaries of the judicial districts of the territory, as well as the time of holding court in the same.

Mr. Cole gave notice of a bill for the establishing of the boundary lines of a county in district No. 1, on the Big Sioux river.

Mr. Bramble called to the chair.

Mr. Shober introduced a bill, entitled "A bill exempting property from execution, writ of attachment, or any other final process of a court."

Read first and second time, and

Referred to committee of the whole for Monday next.

The following message was received from the house :

HOUSE OF REPRESENTATIVES, }
March 22, 1862. }

MR. PRESIDENT :

SIR, — I am instructed by the house of representatives to inform your honorable body that the following resolution has passed the house :

Resolved, That the chief clerk be directed to inform the honorable council that the message received from their honorable body, in regard to the printing of the governor's message, is out of order,

and that it is the duty of the house to refuse to enter the same upon their journals.

J. R. HANSON, *Chief Clerk.*

On motion of Mr. Brookings, the secretary of the council was instructed to furnish the house of representatives with a copy of rule No. 14 of the joint rules for the government of the two houses.

Mr. Betts introduced a bill, entitled "A bill for an act to provide a remedy for criminal offences in the Territory of Dakota."

Read first and second time, and

Referred to committee on judiciary.

Mr. Stutsman gave notice of a bill defining the boundary lines of a county, including the whole, or a portion of the second judicial district, and for other purposes.

On motion of Mr. Stutsman, the council resolved itself into committee of the whole on the state of the Union.

Mr. Boyle in the chair.

After some time spent therein the committee rose, and, through their chairman, reported progress, and asked leave to sit again.

The following message was received from the house :

MR. PRESIDENT :

I am directed to inform your honorable council that the following resolution has been adopted :

Resolved, That the chief clerk be directed to inform the council that the house has passed a vote of thanks to the council for furnishing the house with a copy of rule No. 14 of the joint rules governing the council and house of representatives.

Also, to inform the council that the house has ordered twelve hundred copies of the governor's message to be printed, — five hundred to be printed in the English, three hundred in the Norwegian; and two hundred to be printed in the French language, and two hundred in the German language.

J. R. HANSON, *Chief Clerk.*

MR. PRESIDENT :

I am also directed to inform your honorable council that the house of representatives have ordered the printing of one hundred copies of the joint rules for the government of the two houses, and we hope to receive them some time or other during the session.

J. R. HANSON, *Chief Clerk.*

Mr. Bramble introduced a joint resolution relative to the enacting clause of the laws of Dakota.

Read first, second, and third time, and

Passed.

On motion of Mr. Bramble, the council adjourned at eleven o'clock, A. M.

J. H. SHOBER, *President.*

JAMES TUFTS, *Secretary.*

SEVENTH DAY.

COUNCIL CHAMBER, }
Monday, March 24, 1862. }

Council met pursuant to adjournment.

President in the chair.

Roll called.

The following members answered to their names: Messrs. Betts, Boyle, Bramble, Brookings, Cole, Deuel, Stutsman, and president.

Journal read and approved.

Mr. Boyle gave notice of a bill for an act to exempt the property of married women from execution in certain cases.

Also, of a bill for an act legalizing all marriages in Dakota Territory.

Mr. Stutsman gave notice of a bill defining the boundary lines of four counties above the Niobrara river and Choteau creek.

Also, of a bill defining the boundary lines of a county between the second judicial district and Choteau creek.

Mr. Bramble gave notice of a bill regulating marriages.

Mr. Betts gave notice of a bill to grant the right to establish and maintain a ferry across the Missouri river to Michael McCue and Frank Verzani.

Mr. Cole gave notice of a bill to locate a territorial road from Yankton to the Big Sioux river.

Mr. Brookings gave notice of a bill for a territorial road from Yankton to Sioux falls.

Also, for a road from Elk Point, via Brulè creek, to Sioux falls.

Mr. Stutsman gave notice of a bill for a ferry charter, or a bridge, or both on the Vermilion river.

Also, for ferry charters at certain points on the Dakota river.

Mr. Cole gave notice of a bill asking for ferry charters on the Big Sioux river.

On motion of Mr. Bramble, the following resolution was adopted:

Resolved, That all council bills shall be, if ordered printed, printed immediately after they are reported by the respective committees to which they are referred, or are engrossed for a third reading.

Mr. Bramble, from judiciary committee, reported council bill No. 1, without recommendation.

Mr. Betts moved that council bill No. 1 be engrossed for a third reading to-morrow.

Lost.

Mr. Bramble moved the bill be indefinitely postponed.

Ayes and noes ordered.

Resulted, ayes 5, noes 2, as follows:

Ayes — Messrs. Bramble, Brookings, Cole, Deuel, and Stutsman.

Noes — Messrs. Betts and Boyle.

Carried.

Council here resolved itself into committee of the whole on the Homestead exemption law.

After spending some time therein, the committee rose, and through their chairman, reported the bill back to the council, with certain amendments, and recommended its passage.

Report of the committee adopted, and

The bill ordered engrossed for a third reading to-morrow.

On motion of Mr. Betts, the special order for to-day, namely, that a committee of three be appointed to draft a code of laws for Dakota Territory, was postponed until to-morrow.

On motion of Mr. Stutsman, the council adjourned at half past eleven, A. M.

J. H. SHOBER, *President.*

JAMES TUFTS, *Secretary.*

EIGHTH DAY.

COUNCIL CHAMBER,
Tuesday, March 25, 1862. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names: Messrs. Betts, Boyle, Bramble, Brookings, Cole, Deuel, Stutsman, and president. Journal read and approved.

Mr. Brookings presented the following petition:

TO THE PRESIDENT OF THE LEGISLATIVE COUNCIL OF DAKOTA TERRITORY:

SIR, — I respectfully notify you, and through you the honorable body over which you preside, that I am prepared to contest the seat

in such body now occupied by W. W. Brookings of the first council district.

Believing myself to be the rightful incumbent, and being prepared to present to you, or any committee you may appoint, satisfactory evidence of such right, I await any communication you may have to make.

Your obedient servant,

JAMES McFETRIDGE.

On motion of Mr. Stutsman, the notice was referred to committee on elections.

Mr. Brookings gave notice of a bill for a ferry charter across the Dakota river, near the old government ferry.

Mr. Stutsman gave notice of a bill or bills for an act or acts, to define the boundary lines of two counties north of the north line of township 96, and west of the range line dividing ranges 53 and 54.

The committee on engrossed and enrolled bills reported back as correctly engrossed and enrolled, council bill No. 2: "A bill exempting property from execution, writ of attachment, or any other final process of a court."

The following communication was received from the governor:

TO THE COUNCIL:

As several bills have been presented for payment, at the executive department, on account of expenses incurred by the holding of an election on the tenth day of September, 1861, for the purpose of choosing members of the legislature, and a delegate in congress; and in view of the fact that those expenses can only be defrayed from the territorial treasury, I would recommend such legislation by the legislative assembly at this session, as you may deem proper.

W. JAYNE.

YANKTON, March 24, 1862.

GENTLEMEN OF THE COUNCIL:

By the provisions of the organic act, I was directed, previous to the first election, to cause a census or enumeration of the inhabitants of the several counties and districts of the territory to be taken.

In obedience to that direction, I appointed Henry D. Betts, Wilmot W. Brookings, Andrew J. Harlan, Obed Foot, George M. Pinney, and J. D. Morse, census agents.

I assigned H. D. Betts to that portion of the territory embracing all the settlements on or contiguous to the Red river, and at St. Joseph and vicinity.

Wilmot W. Brookings was appointed to the Sioux Falls district, embracing settlements on the Sioux river, north of the Brule creek settlement, and south of Big Stone lake.

Andrew J. Harlan was assigned that part of the territory embracing all the settlements from the Brule creek settlement to the mouth of the Big Sioux, and all settlements on the Missouri river,

between the mouth of the Big Sioux, and east of the line between ranges fifty-three and fifty-four.

Obed Foot was assigned to that part of the territory lying on the Missouri, bounded on the east by the range line between fifty-three and fifty-four, and bounded on the west by the range line between fifty-seven and fifty-eight.

George M. Pinney was assigned that part of the territory lying on the Missouri, bounded on the east by the range line between fifty-seven and fifty-eight, and bounded on the west by Choteau creek.

J. D. Morse was assigned that portion of the territory lying between the Missouri and Niobrara rivers, and that portion on the Missouri bounded on the east by Choteau creek, and running west and north to include the settlement known as the Pease and Hamilton settlement.

The following is a summary of the census returns now on file in the executive department :

RED RIVER DISTRICT.

Whole number of white males, ...	51	
Whole number of white females, ...	25	
		76
Mixed males, ...	264	
Mixed females, ...	260	
		524—600

VERMILION AND BIG SIOUX DISTRICT.

BRULE CREEK.

Whole number of white males, ...	31	
Whole number of white females, ...	16	
		47

POINT ON BIG SIOUX.

Whole number white males, ...	47	
Whole number white females, ...	32	
Half breeds, ...	25	
		104

ELK POINT.

Whole number white males, ...	35	
Whole number white females, ...	21	
Half breeds, ...	5	
		61

VERMILION.

Whole number white males, ...	152	
Whole number white females, ...	106	
Half breeds, ...	7	
		265—477
Amounts carried forward, ...		477 1077

Amounts brought forward,	477	1077
BOTTOM AND CLAY CREEK.		
Whole number white males,	131	
Whole number white females,	88	
	—	219—696
SIOUX FALLS DISTRICT.		
Whole number white males,	50	
Whole number white females,	10	
	—	60
YANKTON DISTRICT.		
Whole number white inhabitants,	278	
Halfbreeds,	9	
	—	287
BON HOMME DISTRICT.		
Whole number white males,	102	
Whole number white females,	61	
	—	163
WESTERN DISTRICT.		
PEASE AND HAMILTON SETTLEMENTS.		
White population,	53	
Halfbreeds,	128	
	—	181
FORT RANDALL.		
Whole population,	210	
YANKTON AGENCY.		
White population,	29	
Halfbreeds,	47	
	—	76
PONCA AGENCY AND VICINITY.		
White population,	95	
Halfbreeds,	34	
	—	129—596
Total population of territory,	2,879	

In transmitting the census returns, I deem it proper to state that from information received from gentlemen living in the Red river district, and also from the fact that many of the residents were absent on the usual summer hunts, when Mr. Betts was taking the census of that district, that I am satisfied that the population returned is underrated.

I also deem it proper and obligatory upon me to state, that in my opinion the returns of the western district taken by Mr. Morse can-

not be relied on as correct. He having, in my opinion, returned more population than there was in that district.

I do not doubt Mr. Morse's integrity, but think he was deceived by representations made to him.

W. JAYNE.

YANKTON, March 24, 1862.

On motion of Mr. Stutsman the governor's communication was referred to the committee on territorial affairs.

Mr. Cole introduced a bill establishing Cole county.

Read first and second time, and

Referred to committee on counties.

Mr. Brookings introduced a bill to establish the counties of Lincoln, Minnehaha, Brookings, and Deuel.

Read first and second time, and

Referred to committee on counties.

Mr. Deuel introduced a bill establishing Clay county.

Read first and second time, and

Referred to committee on counties.

Mr. Betts introduced a memorial to congress for a mail route from Sioux Falls city to Vermilion.

Read first and second time, and

Referred to committee on federal relations.

Mr. Stutsman introduced council bill No. 6, a bill for an act to create and establish the county of Yankton, and to define the boundary lines and to locate the county seat thereof.

Read first and second time, and

Referred to committee on counties.

Also, a bill establishing Bon Homme county and locating the county seat thereof.

Read first and second time, and

Referred to committee on counties.

Mr. Boyle introduced a bill legalizing marriages in Dakota Territory.

Read first and second time, and

Referred to judiciary committee.

Also, a bill for an act to exempt the property of married women from execution.

Read first and second time, and

Referred to judiciary committee.

Mr. Bramble introduced a bill for an act regulating marriages.

Read first and second time, and

Referred to committee on judiciary.

Mr. Cole introduced a bill for an act to locate a territorial road from Yankton to Big Sioux river.

Read first and second time, and
Referred to committee on highways.

Also, a bill for an act to grant the right to establish ferries, and maintain the same to certain persons in this territory.

Read first and second time, and
Referred to committee on highways.

Mr. Bramble introduced a bill for an act to establish a territorial road from Yankton, via Smutty Bear's camp, Bon Homme, Springfield, and Neshuda, to the mouth of Choteau creek.

Read first and second time, and
Referred to committee on highways.

Mr. Bramble called to the chair.

Mr. Shober introduced a bill for an act to provide for county officers.

Read first and second time, and

Referred to committee of the whole, one week from next Saturday, and ordered to be printed.

The following message was received from the house :

HOUSE OF REPRESENTATIVES, }
March 25, 1862.

MR. PRESIDENT,

I have to inform your honorable body that the house has concurred in the joint resolution, council file No. 1, in relation to the style of heading of the laws of the territory.

J. R. HANSON, *Chief Clerk.*

I am further directed to inform your honorable body that the house has passed the following bill:

House file No. 1: "A bill to provide for the payment of the direct tax of Dakota territory."

And also that the house have ordered one hundred copies of the organic act to be printed for the use of the house.

J. R. HANSON, *Chief Clerk.*

Mr. Shober moved that the bill exempting property from execution be taken up and put upon its third reading.

Mr. Betts moved to amend the motion so as to recommit the bill to a select committee.

Ayes and noes ordered.

Resulted, ayes 3; noes 5, as follows:

Ayes — Messrs. Betts, Boyle, and Bramble.

Noes — Messrs. Brookings, Cole, Deuel, Stutsman, and president.

The previous question was then demanded and sustained, and the original motion prevailed.

The bill was then read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 5; noes 3, as follows:

Ayes — Messrs. Brookings, Cole, Deuel, Stutsman, and president.

Noes — Messrs. Betts, Boyle, and Bramble.

Bill passed, and title agreed to.

On motion of Mr. Stutsman, the council adjourned at 11 o'clock,
A. M.

J. H. SHOBER, *President*.

JAMES TUFTS, *Secretary*.

NINTH DAY.

COUNCIL CHAMBER,
Wednesday, March 26, 1862. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names: Messrs. Betts, Boyle, Bramble, Brookings, Cole, Deuel, Stutsman, and president.

Journal read and approved.

The following notices of bills were given.

Mr. Boyle gave notice of a bill for an act to secure liens to mechanics and others.

Mr. Brookings gave notice of a bill for a ferry charter across the Missouri river at Elk Point.

Also, of a bill to exempt certain property from taxation.

Mr. Bramble gave notice of a bill for an act to provide a code of procedure in justices' courts.

The following message was received from the house:

MR. PRESIDENT:

I have the honor of informing your honorable body, that joint resolution, house file No. 2, has passed the house of representatives, and the concurrence of the council is respectfully solicited.

J. R. HANSON, *Chief Clerk*.

Mr. Bramble, from judiciary committee, reported back the following bills, to wit:

Council bill No. 10, and recommended its passage without amendment.

Council bill No. 9, and recommended its passage with the amendments attached.

Council bill No. 8, and recommended its indefinite postponement.

Mr. Bramble from committee on highways reported back council bill No. 12, and recommended its passage without amendment.

Also, council bill No. 13, and recommended its passage with the amendment thereunto attached.

Also council bill No. 11, and recommended its passage with amendments thereunto attached.

On motion of Mr. Brookings, so much of the governor's message as relates to civil and criminal law, and the subject of slavery was referred to judiciary committee.

And so much as relates to immigration and Indians was referred to committee on territorial affairs.

So much as relates to education to committee on education.

So much as relates to militia to committee on military affairs.

So much as relates to elections, to committee on elections.

So much as relates to banks, to committee on incorporations.

So much as relates to memorializing congress, to committee on federal relations.

So much as relates to agriculture, to committee on agriculture.

So much as relates to the organization of counties, to committee on counties.

So much as relates to the war tax, to committee on finance.

So much as relates to territorial roads, to committee on highways.

So much as relates to public buildings, to committee on public buildings.

On motion of Mr. Bramble, that portion of the governor's message not referred already, was referred to the committee of the whole one week from to-day.

The following message was received from the house.

HOUSE OF REPRESENTATIVES, }
March 26, 1862.

MR. PRESIDENT:

I am ordered by the house of representatives to request your honorable body to return to this house, house file No. 1: "A bill in relation to the payment of the direct tax of Dakota," for further consideration.

J. R. HANSON, *Chief Clerk.*

On motion of Mr. Bramble, house file No. 1 was returned to the house.

Mr. Betts introduced a bill granting a ferry charter across the Missouri river to Michael McCue and Frank Verzani.

Read first and second time, and
Referred to committee on highways.

Mr. Brookings introduced a bill granting a ferry charter to J. B. Greenway, across the Dakota river, at the old government crossing.

Read first and second time, and
Referred to committee on highways.

Mr. Stutsman introduced a bill defining the boundaries of Todd, Poncas, Gregory, and Pratt counties, and locating the county seats thereof.

Read first and second time, and
Referred to committee on counties.

Also, a bill to locate the counties of Jayne and Hutchinson.
Read first and second time, and
Referred to committee on counties.

On motion of Mr. Bramble, council bill No. 8 was indefinitely postponed.

Council bill No. 9 was taken up, and
On motion of Mr. Bramble, the committee's amendments were adopted.

Mr. Stutsman moved a further amendment, which was adopted.
On motion of Mr. Bramble, the bill was ordered engrossed for a third reading to-day.

The following message was received from the house.

HOUSE OF REPRESENTATIVES, }
March 26, 1862.

MR. PRESIDENT:

I have the honor of informing your honorable body, that the following resolution has passed the house of representatives:

Resolved, That a joint committee of three from the house and two from the council be appointed to divide the territory into council and representative districts, and to make an apportionment of the same.

The speaker has appointed as such committee, Messrs. Waldron, Armstrong, and Wallace.

J. R. HANSON, *Chief Clerk*.

Council bill No. 10 was taken up, and
On motion of Mr. Bramble, was ordered engrossed for a third reading to-day.

The bill was then read a third time, and put upon its passage.
Ayes and noes ordered.

Resulted, ayes 8; noes 0, as follows:

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Cole, Deuel, Stutsman, and president.

Bill passed, and title agreed to.

Council bill No. 11 taken up, and

On motion of Mr. Cole, the amendments reported by the committee were adopted, and

The bill ordered engrossed for a third reading immediately.

On motion of Mr. Stutsman, the engrossing committee were instructed to examine the bill already engrossed, and report instant.

The engrossing committee reported council bill No. 9 correctly engrossed.

Council bill No. 12 was then taken up, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 6; noes 2, as follows:

Ayes — Messrs. Betts, Bramble, Cole, Deuel, Stutsman, and president.

Noes — Messrs. Boyle and Brookings.

Bill passed, and title agreed to.

Council bill No. 13 taken up, and amendments reported by the committee adopted.

Ordered engrossed for a third reading to-morrow.

Council took a recess for fifteen minutes.

President resumed the chair.

Council bill No. 9 taken up, read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 8; noes 0, as follows:

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Cole, Deuel, Stutsman, and president.*

Bill passed, and title agreed to.

Council bill No. 11 taken up, read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 8; noes 0, as follows:

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Cole, Deuel, Stutsman, and president.

Bill passed, and title agreed to.

House file No. 2: "A joint resolution to invite the Hon. P. Bliss to prepare a civil and criminal code," was taken up, and

On motion of Mr. Bramble, laid on the table.

On motion of Mr. Stutsman, the following resolution was adopted:

Resolved, That all bills after a second reading be printed, unless otherwise ordered by the council.

Mr. Bramble introduced the following resolution:

Resolved, That the Hon. P. Bliss, chief justice of this territory, be invited by this council to report such laws or bills as he may wish, free of charge or expense to the territory, through the judiciary committee.

Mr. Brookings moved the resolution be laid on the table.

Ayes and noes ordered.

Resulted, Ayes 6; noes 1, as follows:

Ayes — Messrs. Betts, Boyle, Brookings, Cole, Deuel, and Stutsman.

Noes — Mr. Bramble.

Carried.

On motion of Mr. Bramble, the council adjourned at half past 11 o'clock, A. M.

J. H. SHOBER, *President*.

JAMES TUFTS, *Secretary*.

TENTH DAY.

COUNCIL CHAMBER, }
Thursday, March 27, 1862. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names: Messrs. Betts, Boyle, Brookings, Cole, Stutsman, and president.

On motion of Mr. Stutsman, Mr. Deuel was excused on account of illness.

Journal read and approved.

Mr. Shober gave notice of the following bills:

A bill for an act to establish the office of notary public, and define the duties of the same.

Also, a bill for an act to establish the width of territorial roads.

Mr. Stutsman moved that a committee of three be appointed to confer with a similar committee from the house of representatives, to report a bill for dividing the territory into council and representative districts, and to apportion the number of councilmen and representatives each district shall be entitled to.

Carried.

The chair appointed Messrs. Stutsman, Deuel, and Cole, said committee:

Mr. Brookings, from committee on engrossed bills, reported council bill No. 13, as correctly engrossed.

Mr. Bramble, from committee on highways and bridges, reported back council bill No. 15, and recommended its passage with amendments.

Mr. Cole, from committee on counties, reported back the following bills:

Council bill No. 3, for the establishment of Cole county.

Council bill No. 4, for the establishment of the counties of Lincoln, Minnehaha, Brookings, and Deuel.

Council bill No. 5, for the establishment of Clay county, and

Council bill No. 7, for the establishment of the county of Bon Homme, and locate the county seat thereof, recommending their passage without amendment, with the exception of council bill No. 4, the passage of which is recommended, with the attached amendment.

Also, reported council bill Nos. 17 and 18 from committee on counties, and recommended their passage without amendment.

Mr. Stutsman, from committee on federal relations, reported back council bill No. 12, with substitute, and recommended its passage.

The following message was received from the house:

HOUSE OF REPRESENTATIVES, }
March 27, 1862.

MR. PRESIDENT:

I have the honor of informing your honorable body, that house file No. 4, a bill entitled an act to prevent the firing of woods, marshes, and prairies, has passed the house, and the concurrence of the council is respectfully solicited.

J. R. HANSON, *Chief Clerk.*

HOUSE OF REPRESENTATIVES, }
March 27, 1862.

MR. PRESIDENT:

I have the honor of informing your honorable body that the following resolution has passed the house of representatives:

Resolved, That a joint committee, consisting of three members of this house, and two of the council, be appointed to divide this territory into three judicial districts, and assign the judges to each of them.

The chair has appointed such committee, Messrs. Armstrong, Waldron, and Wallace.

J. R. HANSON, *Chief Clerk.*

On motion of Mr. Betts, the joint resolution from the house in

relation to inviting Judge Bliss to prepare a civil and criminal code, was taken up.

Mr. Bramble moved its indefinite postponement.

Lost.

Mr. Stutsman offered an amendment.

By general consent the subject was delayed for half an hour.

Council bill No. 13 was then taken up, entitled "A bill to locate a territorial road from Yankton via Bon Homme, Springfield, Neshuda, to the mouth of Choteau creek."

Read a third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 7; noes 0, as follows:

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Cole, Stutsman, and president.

Council bill No. 15, entitled "A bill to grant Michael McCue and Frank Verzani a ferry charter," taken up.

The amendments reported by the committee were adopted, and The bill ordered engrossed for third reading to-morrow.

Council bill No. 3, entitled "An Act to establish Cole county," taken up.

Read a third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 5; noes 1, as follows:

Ayes — Messrs. Betts, Bramble, Brookings, Stutsman, and president.

Noes — Mr. Boyle.

Council bill No. 4, entitled "An Act to establish the counties of Lincoln, Minnehaha, Brookings, and Denel," taken up.

The amendments of the committee adopted, and

The bill ordered engrossed for third reading to-morrow.

Council bill No. 5, entitled "An Act establishing Clay county."

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 6; noes 0, as follows:

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Cole, and Stutsman.

Bill passed, and title agreed to.

Council bill No. 7, entitled "An Act to establish the county of Bon Homme, and locate the county seat thereof," taken up.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 6; noes 0, as follows:

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Cole, and Stutsman.

Bill passed, and title agreed to.

Council bill No. 17, entitled "An Act to establish the counties of Todd, Ponca, Gregory, and Cedar," taken up.

The amendment of the committee adopted, bill

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 6; noes 1, as follows:

Ayes — Messrs. Betts, Bramble, Brookings, Cole, Stutsman, and president.

Noes — Mr. Boyle.

Bill passed, title agreed to.

Council bill No. 18, entitled "An Act creating Jayne and Hutchinson counties," &c. taken up.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 5; noes 2, as follows:

Ayes — Messrs. Betts, Brookings, Cole, Stutsman, and president.

Noes — Messrs. Boyle and Bramble.

Bill passed, and title agreed to.

Council file No. 2: "Memorial for mail routes from Sioux falls to Vermillion," taken up.

On motion, the substitute reported by the committee was adopted.

The memorial was then read a third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 6; noes 0, as follows:

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Cole, and Stutsman.

Bill passed, and title agreed to.

The joint resolution, "inviting Judge Bliss," &c. was again taken up.

The amendment offered by Mr. Stutsman, adopted.

Mr. Bramble moved to insert the words "all other persons," after chief justice.

Adopted.

On motion of Mr. Bramble, the resolution was read, under suspension of the rules, a first, second, and third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 5; noes 2, as follows:

Ayes — Messrs. Betts, Bramble, Brookings, Cole, and president.

Noes — Messrs. Boyle and Stutsman.

Joint resolution passed, and title agreed to.

Mr. Brookings moved to reconsider the vote by which the resolution was adopted.

Ayes and noes ordered.

Resulted, ayes 4; noes 3, as follows:

Ayes — Messrs. Betts, Boyle, Brookings, and Stutsman.

Noes — Messrs. Bramble, Cole, and president.

The chair decided the motion to reconsider lost.

House file No. 4, entitled "An Act to prevent firing prairie and marshes, woods," &c. taken up.

Read first and second time, and referred to judiciary committee.

Mr. Bramble moved that council bill No. 14, entitled "An Act to provide for county officers," be considered in committee of the whole to-morrow at half past ten.

Carried.

On motion of Mr. Stutsman, the council adjourned at half past eleven.

J. H. SHOBER, *President*.

JAMES TUFTS, *Secretary*.

ELEVENTH DAY.

COUNCIL CHAMBER, }
Friday, March 28, 1862. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names: Messrs. Betts, Boyle, Brookings, Cole, Deuel, Stutsman, and president.

Journal read and approved.

Mr. Brookings introduced a memorial to the secretary of the treasury, council file No. 4.

Read first and second time, and

Referred to committee on federal relations.

The following notices of bills were given:

Mr. Betts gave notice of a bill to provide for the location of county seats in the counties of this territory.

Mr. Shober gave notice of a bill for an act to incorporate the town of Bon Homme.

Also, of a bill for a ferry charter across the Missouri river.

The committee on engrossed bills reported back council bill No. 4, correctly engrossed.

Mr. Brookings introduced council bill No. 19, entitled "An Act to establish certain territorial roads."

Read first and second time, and
Referred to committee on highways.

Mr. Brookings moved to dispense with the printing of the bill.
Lost.

The chair appointed Messrs. Stutsman and Boyle joint committee, with a similar committee from the house, to divide the territory into judicial districts, and assign judges to each.

Council bill No. 4, entitled "A bill to establish the counties of Lincoln, Minnehaha, Brookings, and Deuel," taken up.

Read a third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 6; noes 1, as follows:

Ayes — Messrs. Betts, Brookings, Cole, Deuel, Stutsman, and president.

Noes — Mr. Boyle.

Bill passed, and title agreed to

Mr. Stutsman introduced council bill No. 20, entitled "An Act to locate the seat of government of Dakota Territory."

Read first and second time, and

Referred to committee on territorial affairs.

Mr. Brookings from committee on engrossed bills, reported council bill No. 15, correctly engrossed.

Council bill No. 15, entitled "An Act to grant a ferry charter to Michael McCue and Frank Verzani," taken up.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 7; noes 0, as follows:

Ayes — Messrs. Betts, Boyle, Brookings, Cole, Deuel, Stutsman, and president.

Bill passed, and title agreed to.

The committee on highways reported council bill No. 3 back to the council, and recommended its passage.

Council bill No. 3, entitled "A memorial for an appropriation for the construction of a military road from Fort Randall to Sioux city," taken up and put upon its passage.

Ayes and noes ordered.

Resulted, ayes, 6; noes 0, as follows:

Ayes — Messrs. Betts, Boyle, Brookings, Cole, Deuel, and Stutsman.

Memorial passed, and title agreed to.

Council resolved itself into committee of the whole, to consider council bill No. 14, entitled "An Act to provide for county officers."

Mr. Brookings in the chair.

After spending some time therein the committee rose, reported through their chairman the bill back to the council, and recommended its passage, with amendments.

The bill was then ordered engrossed for a third reading to-morrow.

Message from the house :

HOUSE OF REPRESENTATIVES, }
March 28, 1862.

MR. PRESIDENT :

SIR, — I have to inform your honorable council that the house of representatives have disagreed with your body, in your amendment to house file No. 2, a joint resolution to invite the Hon. P. Bliss to prepare a civil and criminal code.

I herewith return the same for your further consideration.

J. R. HANSON, *Chief Clerk.*

On motion of Mr. Boyle, council adjourned at half past eleven o'clock, A. M.

J. H. SHOBER, *President.*

JAMES TUFTS, *Secretary.*

TWELFTH DAY.

COUNCIL CHAMBER, }
Saturday, March 29, 1862.

Council met pursuant to adjournment.

President in the chair.

Prayer by chaplain.

Roll called.

The following members answered to their names : Messrs. Betts, Boyle, Bramble, Brookings, Cole, Stutsman, and president.

Mr. Deuel excused.

Journal read and approved.

The following notices of bills were given.

By Mr. Betts, of a memorial to the Secretary of Interior praying for a portion of the appropriation made by congress, for the purpose of assisting emigration to the Pacific.

Mr. Brookings introduced council bill No. 21, granting ferry charters across the Missouri river.

Read first and second time, and

Referred to committee on highways, &c.

Mr. Betts introduced council bill No. 22: " A bill for an act to locate county seats in all the counties of this territory."

Read first and second time, and

Referred to committee on counties.

Mr. Shober introduced council bill No. 24: "A bill for an act to incorporate the town of Bon Homme."

Read first and second time, and

Referred to committee on incorporation.

Also council bill No. 25: "A bill for an act to provide for the office of notary public, and define the duties of the same."

Read first and second time, and

Referred to judiciary committee.

Also council bill No. 26: "A bill for an act to establish the width of territorial roads."

Read first and second time, and

Referred to committee on highways, &c.

Also council bill No. 23: "A bill for an act granting to Geo. C. Granger, his heirs, executors, and administrators, a ferry charter across the Missouri river."

Read first and second time, and

Referred to committee on highways, &c.

The following reports were submitted:

By Mr. Bramble, from judiciary committee.

House file No. 4, entitled "An Act to prevent the firing of woods, marshes, and prairies."

Reported back without recommendation.

Mr. Brookings, from committee on engrossed bills, reported council bill No. 14 correctly engrossed.

Mr. Stutsman, from committee on federal relations, reported council file No. 4, memorializing the secretary of the United States upon the subject of the direct tax upon Dakota Territory, reported the same back without amendment, and recommended its passage.

Council bill No. 14, entitled "A bill to provide for county officers," taken up.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 7; noes 0, as follows:

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Cole, Stutsman, and president.

Bill passed, and title agreed to.

House file No. 4: "A bill for an act to prevent the firing of woods, marshes, and prairies."

Mr. Brookings moved the bill be recommitted to committee of the whole.

Lost.

Mr. Stutsman moved to strike out second section.

Carried.

On motion of Mr. Bramble the bill was laid on the table.

Council file No. 4: "Memorial to the secretary of treasury of United States, in regard to the direct tax, taken up."

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 7; noes 0, as follows:

Ayes.— Messrs. Betts, Boyle, Bramble, Brookings, Cole, Stutsman, and president.

On motion of Mr. Bramble, the chair appointed a committee of three, consisting of Messrs, Bramble, Boyle, and Betts, to draft a criminal code for this territory.

On motion of Mr. Bramble, the council adjourned at half past ten o'clock.

J. H. SHOBER, *President*.

JAMES TUFTS, *Secretary*.

THIRTEENTH DAY.

COUNCIL CHAMBER, }
Monday, March 31, 1862. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names: Messrs Betts, Boyle, Bramble, Brookings, Cole, Stutsman, and president.

Mr. Deuel excused.

Journal read and approved.

The following message was received from the house:

HOUSE OF REPRESENTATIVES, }
March 31, 1862. }

MR. PRESIDENT:

I have the honor of informing your honorable body, that the following bills have passed the house of representative:

House file No. 6: "An Act regulating the admission of attorneys."

Also, house file No. 8: "Memorial for the establishment of a fort at Sioux Falls."

Also, house file No. 9: "Memorial to establish a road from the eastern line of the territory near Sioux Falls, to Yankton."

House file No. 10: "Memorial to congress to have the cavalry company enlisted within the territory, placed under the control of the governor."

House file No. 16: "A memorial to congress asking for a treaty to be made with the Chippewa Indians of Red lake and Pembina, on the Red river of the North."

House file No. 24: "An Act to establish a ferry across the Missouri river, opposite Tonia in Nebraska."

Also, council bill No. 10: "A bill for an act regulating marriages."

Also, council bill No. 9: "A bill for an act to exempt the property of married women from execution in certain cases, with accompanying amendments." In all of which the concurrence of the council is respectfully requested.

J. R. HANSON, *Chief Clerk.*

The governor, through his private secretary, announced his approval of council file No. 1: "Joint resolution relative to the enacting clause of the laws of Dakota."

Committee reported as follows:

Mr. Bramble, from committee on highways, reported back council bill No. 19, without amendment, and recommended its passage.

Mr. Cole, from committee on counties, reported back council bill No. 6: "A bill for an act to create and establish the county of Yankton, to define the boundary lines, and to locate the county seat thereof," and recommended its passage.

Mr. Bramble reported back from committee on territorial affairs, council bill No. 20: "An Act to locate the seat of government of Dakota, with accompanying substitute, and recommended its passage."

Council bill No. 21, entitled "A bill granting ferry charters across the Missouri river.

Read first and second time, and

Referred to committee on highways, &c.

Council bill No. 19, taken up.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 5; noes 0, as follows:

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, and Stutsman.

Council bill No. 6: "A bill for an act establishing Yankton county," &c., taken up.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 7; noes 0, as follows:

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Cole, Stutsman, and president.

Passed, title agreed to.

Council bill No. 20: "A bill for an act to locate the seat of government of Dakota."

Mr. Boyle moved to amend by striking out the word "Yankton," together with "the descriptive portion of the first section of the bill, following said word," and insert the word "Vermilion," in lieu thereof.

Mr. Stutsman demanded the previous question on the amendment, which was sustained.

Ayes and noes ordered.

Resulted, ayes 2; noes 5, as follows;

Ayes — Messrs. Betts and Boyle.

Noes — Messrs. Bramble, Brookings, Cole, Stutsman, and president.

Amendment lost.

The bill was then read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 5; noes 2, as follows:

Ayes — Messrs. Bramble, Brookings, Cole, Stutsman, and president.

Noes — Messrs. Betts and Boyle.

Bill passed, title agreed to.

House File No. 6: "An Act to regulate the admission of attorneys."

Read first and second time, and

Referred to judiciary committee.

House file No. 8: "Memorial for the establishment of a fort at Sioux Falls."

Read first and second time, and

Referred to committee on federal relations.

House file No. 9: "Memorial for road from Sioux Falls to Yankton."

Read first and second time, and

Referred to committee on highways, &c.

House file No. 10: "Memorial to congress."

Read first and second time, and

Referred to committee on military affairs.

House File No. 16: "A memorial to congress, asking for a treaty to be made with the Chippewa Indians of Red lake, and Pembina on the Red river of the North.

Read first and second time, and

Referred to committee on federal relations.

House bill No. 24, entitled "An Act to establish a ferry across the Missouri river, opposite Ionia, in Nebraska."

Read first and second time, and

Referred to committee on highways, &c.

On motion, council concurred in amendments of the house to council bill No. 9.

House file No. 5: "Memorial to Secretary of the Interior."

Read first and second time, and

Referred to committee on federal relations.

House file No. 2: "Joint resolution," returned from the house with council amendments, non-concurred in.

Taken up.

Mr. Betts, moved that the council recede from its amendment, inserting after the word "territory," "all other persons."

Carried.

Mr. Bramble moved the council adhere to the remaining amendments.

Carried.

On motion of Mr. Stutsman, house file No. 4 was taken from the table, and

Recommitted to judiciary committee.

Mr. Boyle, from committee on incorporations, obtained leave to report back council bill No. 24, entitled "An Act to incorporate the town of Bon Homme," and recommended its passage.

Council bill No. 24 was then taken up.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 7; noes 0, as follows:

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Cole, Stutsman, and president.

Bill passed, title agreed to.

Council took a recess for half an hour.

President resumed the chair.

The following message was received from the house:

HOUSE OF REPRESENTATIVES, }
March 31, 1862.

MR. PRESIDENT:

I have to inform your honorable body, that the house of representatives have rejected council file No. 4, "A memorial to the Secretary of the Treasury," and I herewith return the same.

J. R. HANSON, *Chief Clerk*.

On motion of Mr. Stutsman, the council adjourned at half past ten o'clock.

J. H. SHOBER, *President*.

JAMES TUFTS, *Secretary*.

FOURTEENTH DAY.

COUNCIL CHAMBER, }
Tuesday, April 1, 1862.

Council met pursuant to adjournment.

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names: Messrs. Betts, Boyle, Bramble, Brookings, Cole, Stutsman, and president.

Journal read and approved.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
April 1, 1862.

MR. PRESIDENT:

SIR,— I have the honor of informing your honorable body that the following bills have passed the house of representatives, namely,

House file No. 3: "A bill for an act to dissolve the bonds of matrimony between Minnie O'Meg and C. O'Meg."

Also, house file No. 7: "An Act relative to money of account and interest."

Also, house file No. 11: "An Act to prevent the traffic in ardent spirits with the Indians."

Also, house file No. 12: "A bill to provide for the protection of hedges, fences, grain, fruit, and ornamental trees."

Also, house file No. 13: "A bill to regulate divorce and alimony."

Also, house file No. 15: "Joint memorial and resolution relative to a geological survey of the territory."

Also, house file No. 20: "An Act to prevent trespasses upon claims on the public lands."

Also, council file No. 2: "Memorial to congress for a mail route from Sioux Falls city to Vermilion."

In all of which the concurrence of the council is respectfully requested.

J. R. HANSON, *Chief Clerk.*

Mr. Cole gave notice of "A bill for a ferry charter across the Missouri river."

Mr. Brookings gave notice of "A memorial for a mail route from Elk Point, via Brule creek, Calliope, and Commerce city, to Sioux Falls city."

Mr. Bramble, from judiciary committee, reported back house file No. 6, and recommended its passage.

Also, council bill No. 25, and recommended its passage, with amendments thereunto attached.

Mr. Bramble, from committee on highways, reported back council bill No. 26, and recommended its passage.

Also, council bill No. 23, with amendments thereunto attached, and recommended its passage.

Also, house file No. 24, and recommended its passage, with amendments attached.

The following message was received from the house:

HOUSE OF REPRESENTATIVES, }
April 1, 1862.

MR. PRESIDENT:

SIR, — I have to inform your honorable council that the house of representatives adhere to the original resolution (house file No. 2), and do not concur in any amendments made by the council.

J. R. HANSON, *Chief Clerk.*

Council bill No. 26: "A bill for an act to establish the width of territorial roads and county roads," taken up.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 8; noes 0, as follows:

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Cole, Deuel, Stutsman, and president.

Bill passed, and title agreed to.

Council bill No. 23: "A bill for an act granting a ferry charter to George C. Granger across the Missouri river," taken up.

Amendments reported by the committee adopted, and

Bill ordered engrossed for a third reading to-morrow.

House file No. 6: "An Act regulating the admission of attorneys," taken up.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 8; noes 0, as follows:

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Cole, Deuel, Stutsman, and president.

Bill passed, and title agreed to.

House file No. 24: "An Act to establish a ferry across the Missouri river opposite Ionia in Nebraska."

The amendments of the committee adopted.

Mr. Betts moved to amend section 2, by striking out the words "and wagon," where it occurs in connection with the words "each additional pair of horses, mules, oxen, and wagon," and also insert the word "or," between the words "mules" and "oxen," in the same connection."

Adopted.

Mr. Brookings moved to amend further by inserting sections 4 and 5, of council bill No. 23, after section 3.

Adopted.

The bill was then read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 8; noes 0, as follows:

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Cole, Deuel, Stutsman, and president.

Bill passed, and title agreed to.

House file No. 3: "A bill for an act to dissolve the bonds of matrimony between Minnie O'Meg and C. O'Meg.

Read first and second time, and

Referred to judiciary committee.

House file No. 7: "An Act relative to money of account and interest."

Read first and second time, and

Referred to committee on judiciary.

House file No. 11: "An Act to prevent the traffic in ardent spirits with the Indians."

Read first and second time, and

Referred to committee on territorial affairs.

House file No. 12: "A bill to provide for the protection of hedges, fences, grain, fruit, and ornamental trees."

Read first and second time, and

Referred to committee on agriculture.

House file No. 13: "A bill to regulate divorce and alimony."

Read first and second time, and

Referred to judiciary committee.

House file No. 15: "Joint memorial and resolution relative to a geological survey of the territory."

Read first and second time, and

Referred to committee on federal relations.

House file No. 20: "An Act to prevent trespasses upon claims on the public lands," was,

On motion of Mr. Bramble, indefinitely postponed.

Council took a recess for half an hour.

The president then resumed the chair.

Mr. Bramble asked and obtained leave to introduce

Council bill No. 27: "A bill for an act to create a lien for mechanics and others in certain cases."

Read first and second time, and

Referred to committee on judiciary.

Mr. Shober obtained leave to introduce

Council bill No. 28: "A bill for an act granting Charles C. Cooper and Richard M. Johnson, a ferry charter across the Missouri river."

Read first and second time, and

Referred to committee on highways, &c.

On motion of Mr. Bramble, council adjourned at half past ten, A. M.

J. H. SHOBER, *President.*

JAMES TUFTS, *Secretary.*

FIFTEENTH DAY.

COUNCIL CHAMBER,
Wednesday, April 2, 1862. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names: Messrs. Betts, Boyle, Bramble, Brookings, Cole, Deuel, Stutsman, and president.

Journal read and approved.

The following message was received from the house:

HOUSE OF REPRESENTATIVES, }
April 2, 1862.

MR. PRESIDENT:

I have the honor of informing your honorable body that the following bills have passed the house of representatives, namely:

House file No. 14: "Joint memorial and resolution relative to the construction of a wagon road from Big Sioux to Fort Randall."

Also, house file No. 11: "An Act regulating ferries on James river."

Also, house file No. 18: "An Act specifying what property is liable to taxation, and what is exempt therefrom."

Also, house file No. 23: "A memorial to congress for the establishment of a mail route from Mankato in Minnesota, to Fort Randall in Dakota."

In all of which the concurrence of the council is respectfully requested.

J. R. HANSON, *Chief Clerk.*

Mr. Brookings introduced council file No. 6, memorial for a mail route from Elk Point to Sioux Falls.

Read first and second time, and

Referred to committee on federal relations.

Mr. Betts, from committee on agriculture, reported back council file No. 12, and recommended its passage.

Mr. Brookings, from committee on engrossed bills, reported council bills Nos. 23 and 25, correctly engrossed.

Council bill No. 23 taken up.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes, 8; noes 0, as follows:

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Cole, Deuel, Stutsman, and president.

Bill passed, and title agreed to.

Council bill No. 25: "An Act to provide for the office of notary public, and define the duties thereof," taken up.

Read a third time, and put upon its passage.

Ayes and noes ordered.

Resulted, yeas, 8; noes 0, as follows:

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Cole, Deuel, Stutsman, and president.

Bill passed, and title agreed to.

House file No. 12: "A bill to provide for the protection of hedges, fences, grain, fruit, and ornamental trees," taken up.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 7; noes 0, as follows:

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Cole, Deuel, and Stutsman.

Bill passed, and title agreed to.

House file No. 14: "Joint memorial and resolution relative to the construction of a wagon road from Big Sioux to Fort Randall."

Read first and second time, and

Referred to committee on federal relations.

House file No. 17: "An Act regulating ferries on James river."

Read first and second time, and

Referred to committee on highways.

House file No. 18: "An Act specifying what property is liable to taxation, and what is exempt therefrom."

Read first and second time, and

Referred to committee of whole, to-morrow.

House file No. 23: "Memorial to congress for the establishment of a mail route from Mankato in Minnesota, to Fort Randall in Dakota."

Read first and second time, and

Referred to committee on federal relations.

Mr. Brookings presented the following:

MR. PRESIDENT:

Your committee on enrolled bills have examined and find correctly enrolled, council bills Nos. 9 and 10, and have presented the same to His Excellency the governor, for his approval and signature.

W. W. BROOKINGS, *Chairman*.

The council here resolved itself into committee of the whole to consider the governor's message.

Mr. Betts in the chair.

After spending some time therein the committee rose, and through their chairman, reported certain recommendations to the council, and asked leave to sit again.

Report accepted, and leave granted.

Council proceeded to consider recommendations from committee of the whole.

1. "That the council appoint a special committee of one, whose duty it shall be to call on the public printer and ascertain, if possible, what number of the governor's message, ordered printed by the council, have been printed, and what disposition has been made of the same."

On motion, the recommendation was adopted.

2. "That the committee recommend to the council that the committee on elections be instructed to take into consideration that portion of the governor's message which refers to the elective franchise of the Dakota volunteers, and report by bill."

Adopted.

3. "That so much of the governor's message as refers to railroads, be referred to a select committee."

Adopted.

4. "That a select committee of three be appointed to take into consideration the mineral wealth of the territory."

Adopted.

5. "That the council take no action on the governor's recommendation on the abolishment of slavery."

Mr. Stutsman moved to amend by inserting the words "at present," after the word "action."

Carried.

The question then recurring on the adoption of the recommendation as amended, it was

Adopted.

The president appointed Messrs. Bramble, Brookings, and Betts, select committee on the subject of railroads.

Messrs. Stutsman, Bramble, and Boyle, select committee to consider the mineral wealth of the territory, and

Mr. Stutsman, select committee to confer with the public printer in regard to the number and disposition of the governor's message already printed.

On motion of Mr. Bramble, the council adjourned at eleven o'clock.

JOHN H. SHOBER, *President.*

JAMES TUFTS, *Secretary.*

SIXTEENTH DAY.

COUNCIL CHAMBER,
Thursday, April 3, 1862. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names : Messrs. Betts, Boyle, Bramble, Brookings, Deuel, Stutsman, and president.

Mr. Cole excused.

Journal read and approved.

The following message was received from the house :

HOUSE OF REPRESENTATIVES, }
April 3, 1862. }

MR. PRESIDENT :

I have the honor of informing your honorable body, that the following bills have passed the house of representatives :

Council bill No. 4: " A bill to establish the counties of Lincoln, Minnehaha, Brookings, and Deuel."

Also, council bill No. 7: " Bill for an act to establish the county of Bon Homme, and locate the county seat thereof."

Also, council bill No. 15: " A bill for an act to authorize Michael McCue and Frank Verzani, to establish and keep a ferry on the Missouri river."

Also, council bill No. 12: " A bill entitled an act to locate a territorial road from Yankton to the Big Sioux river."

Also, council bill No. 13: " A bill for an act to locate and establish a territorial road from Yankton, via Smutty Bear's Camp, Bon Homme, Springfield, and Neshuda, to mouth of Choteau creek."

Also, council bill No. 11: " A bill for an act to grant the right to establish ferries, and maintain the same, to certain persons in this territory."

Also, council bill No. 3: " A memorial for an appropriation for the construction of a military road from Fort Randall to Sioux city."

Also, council bill No. 2: " A bill exempting property from execution, writ of attachment, or any other final process of a court," with accompanying amendments as a substitute.

Also, house file No. 21: " An Act to fix the time for convening the legislative assembly."

Also, house file No. 25: " Joint memorial and resolution relative to the payment of the direct tax of Dakota."

Also, house file No. 23: " Joint memorial and resolution relative to the passage of a Homestead bill by congress."

In all of which, the concurrence of the council is respectfully requested.

J. R. HANSON, *Chief Clerk.*

Mr. Bramble, from judiciary committee, reported back house file No. 3, and recommended its passage.

Also, council bill No. 27, with amendments attached, and recommended its passage.

Mr. Brookings reported, from committee on military affairs, house file No. 10, with substitute, and recommended its passage.

Mr. Bramble, from committee on highways, reported back council bill No. 16, and recommended its indefinite postponement.

Also, council bill No. 28, and recommended its passage.

Also, house file No. 17, and recommended its passage.

The following report was received :

MR. PRESIDENT :

Your committee on enrolled bills have examined council file No. 2, "Memorial for a mail route from Vermilion to Sioux Falls," and find it correctly enrolled, and have presented the same to His Excellency the governor, for his approval and signature.

W. W. BROOKINGS, *Chairman.*

Council bill No. 27: "A bill for an act to create a lien for mechanics, and others, in certain cases," taken up.

On motion, the bill was recommitted to committee of the whole, for to-morrow.

Council bill No. 16: "An act granting a ferry charter across the Dakota," taken up.

On motion, it was indefinitely postponed.

Council bill No. 28: "An act granting a ferry charter to C. Cooper and R. M. Johnson, across the Missouri river," taken up.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 6; noes 0, as follows :

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Denel, and Stutsman.

Bill passed, and title agreed to.

The following message was received from the house :

HOUSE OF REPRESENTATIVES, }
April 3, 1862.

MR. PRESIDENT :

I have the honor of informing your honorable body, that the house has concurred in your amendments to house file No. 24.

J. R. HANSON, *Chief Clerk.*

House file No. 19: "An Act regulating ferries on James river," taken up.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted ayes 7, noes 0, as follows:

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Deuel, Stutsman, and president.

Bill passed, and title agreed to.

House file No. 3: "An Act to dissolve the bonds of matrimony between Minnie O'Meg and C. O'Meg," taken up.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted ayes 6, noes 0, as follows:

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Deuel, and Stutsman.

Bill passed, and title agreed to.

House file No. 10 taken up.

Substitute reported by committee, adopted.

Bill recommitted to committee on federal relations.

Council bill No. 2: "Exemption law," taken up, and
Recommitted to committee of the whole, to-morrow at ten o'clock.

House file No. 21.

Read first and second time, and

Referred to committee on elections.

House file No. 25 taken up, and

On motion, indefinitely postponed.

House file No. 28.

Read first and second time, and

Referred to committee on federal relations.

On motion, permission was granted to special committee on criminal code, to have their report printed before reporting to the council.

Mr. Stutsman, from the select committee to call on the printer, presented the following report, which was adopted:

COUNCIL CHAMBER, }
April 3, 1862. }

MR. PRESIDENT:

In obedience to instructions, I called upon the public printer, and inquired with reference to the number of copies of the governor's message, printed for the use of the council, and was informed that (by order of Secretary Hutchinson), only fourteen hundred of the governor's message was printed for the legislative

assembly (in the English language); that several members of the legislature called at the printing-office and, without leave, carried away a large number of copies; that during the temporary absence of the printer and employees, some person or persons took from the office over three hundred copies of the message; that all the copies of the message, ordered printed in English, have been printed and taken from the office; that he, said printer, has received no official notice of the proper officer of the council to whom he shall deliver printed matter for the council. He, said printer, desires such notice, and promises that no cause of complaint shall again occur. Your committee believes that the public printer has committed a fault, but without any evil intention, and I therefore recommend that, for the present neglect, he be excused.

Your committee would also report the following resolution, and respectfully recommend its adoption:

Resolved, That it shall be the duty of the messenger of the council to call at the office of the public printer each morning before nine o'clock, and demand and receive all papers and printed matter ready for the council; and that he shall divide the same between the members of the council, by placing each member's portion on his desk, when said member is in his seat or in the chamber. And that the public printer be informed officially of the duties of the messenger as mentioned in the first part of this resolution.

ENOS STUTSMAN, *Chairman*.

Council resolved itself into committee of the whole.

Mr. Betts in the chair.

To take into consideration house file No. 18: "An Act specifying what property is liable to taxation and what is exempted therefrom."

After spending some time therein, the committee arose, reported through their chairman the bill back to the council, and recommended that the same be recommitted to a select committee of three, and that said committee shall report a revenue bill.

The report was adopted.

The chair appointed Messrs. Betts, Brookings, and Stutsman, said committee.

On motion of Mr. Bramble, council adjourned at 11 o'clock, A. M.

J. H. SHOBER, *President*.

JAMES TUFTS, *Secretary*.

SEVENTEENTH DAY.

COUNCIL CHAMBER, }
Friday, April 4, 1862. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names: Messrs. Betts, Boyle, Bramble, Brookings, Deuel, Stutsman, and president.

Journal read and approved.

The following message was received from the house:

HOUSE OF REPRESENTATIVES, }
April 4, 1862. }

MR. PRESIDENT:

SIR, — I have the honor of informing your honorable body that the house of representatives has passed the following bills:

Council bill No. 6: "A bill for an act to create and establish the county of Yankton, to define the boundary lines, and to locate the county seat thereof."

Also, council bill No. 24: "A bill for an act to incorporate the town of Bon Homme."

Also, council bill No. 19: "An Act to establish certain territorial roads."

Also, council bill No. 17: "A bill for an act creating and establishing Todd, Ponka, Gregory, and Cedar counties, to define the boundary lines of the same, and to locate county seats," with accompanying amendments to the same. All of which is herewith returned.

Also, house file No. 33: "An Act to prevent illegal interest."

In all of which the concurrence of the council is respectfully requested.

J. R. HANSON, *Chief Clerk.*

Mr. Bramble introduced council bill No. 29: "A bill for an act providing for the appointment of commissioners, to take the acknowledgment of deeds and other instruments, and defining the duties thereof."

Read first and second time and referred to judiciary committee.

Mr. Stutsman introduced the following resolution which was adopted:

Resolved, That one hundred and fifty copies of the standing rules, organic act, list of members, and officers and standing committees, be printed together, in pamphlet form, for the use of the council.

Mr. Cole, on leave, gave notice of a bill for an act prohibiting negroes, bond or free, from inhabiting the territory of Dakota.

Mr. Cole, from committee on counties, presented the following report:

MR. PRESIDENT:

Your committee on counties, would report back council bill No. 22, without recommendation.

AUSTIN COLE, *Chairman.*

Mr. Betts, from committee on counties, presented the following minority report:

MR. PRESIDENT:

Whereas, I believe a due regard for the wishes of the people, as well as a sound policy of legislation, requires an act making general provisions for the location of county seats; and

Whereas, I am of the opinion that the accompanying bill is susceptible of improvement in some of its provisions; therefore, I would recommend that it be recommitted to a select committee of three.

H. D. BETTS, *Chairman.*

Council bill No. 22 was then taken up, and
Referred to committee of the whole, for Tuesday next.

Council bill No. 17, taken up.
On motion, amendment of the house concurred in.

House file No. 33: "An act to prevent illegal interest."
Read first and second time, and
Referred to judiciary committee.

Mr. Brookings, from committee on enrolled bills, presented the following:

Your committee on enrolled bills have examined council bill No. 3: "A memorial for an appropriation to establish a military road from Fort Randall to Sioux city."

Council bill No. 12: "To locate a territorial road from Yankton to the Big Sioux."

Council bill No. 4: "To establish the counties of Lincoln, Minnehaha, Brookings, and Deuel."

Council bill No. 15: "To establish a ferry across the Missouri river."

Council bill No. 11: "To establish certain ferries across the Big Sioux."

Council bill No. 13: "To locate a territorial road from Yankton to Fort Randall."

Council bill No. 7: "To establish the county of Bon Homme," and find them correctly enrolled.

W. W. BROOKINGS, *Chairman.*

Council resolved itself into committee of the whole.

Mr. Betts in the chair.

To consider council bill No. 2: "An act to exempt certain property from execution."

After spending some time thereon, the committee rose, and through their chairman reported the bill back to the council, with the recommendation that the council do not concur in the amendments of the house, and that the council request a committee of conference.

Report adopted.

The chair appointed Messrs. Stutsman and Brookings said conference committee.

The council again resolved itself into committee of the whole.

Mr. Bramble in the chair.

To consider council bill No. 27: "An Act to create a lien for mechanics and others, in certain cases."

After spending some time therein, the committee rose.

The president resumed the chair.

On motion, time was granted the chairman of committee of whole until to-morrow, to make his report.

On motion of Mr. Boyle, council adjourned at 12, M.

J. H. SHOBER, *President.*

JAMES TUFTS, *Secretary.*

EIGHTEENTH DAY.

COUNCIL CHAMBER, }
Saturday, April 5, 1862. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names: Messrs Betts, Boyle, Bramble, Brookings, Cole, Deuel, Stutsman, and president.

Journal read and approved.

Mr. Shober gave notice of a bill for an act to regulate the militia of Dakota Territory.

Mr. Brookings introduced council bill No. 31: "A bill for an act to regulate the sale of spirituous liquors."

Read first and second time, and

Referred to committee on territorial affairs.

Also, council bill No. 32: "A bill for an act to protect persons holding claims on public lands.

Read first and second time, and
Referred to committee on judiciary.

Mr. Cole introduced council bill No. 33: "A bill for an act to prevent persons of color residing in Dakota."

Read first and second time, and
Referred to committee of the whole, April 10.

Mr. Bramble, from judiciary committee, reported back house file No. 4: "A bill for an act to prevent the firing of woods, marshes, and prairies," and recommended its indefinite postponement.

Also, council bill No. 29, and recommended its passage.

Mr. Bramble from committee on territorial affairs reported back house file No. 11, and recommended it be recommitted to committee of the whole.

The following message was received from the governor:

TO THE COUNCIL:

I have approved and signed bills of the following titles:

Council bill No. 4: "A bill for an act to establish the counties of Lincoln, Minnehaha, Brooking, and Deuel."

Council bill No. 7: "A bill for an act to establish the county of Bon Homme, and locate the county seat thereof."

Council bill No. 9: "An Act to exempt the property of married women from execution in certain cases."

Council bill No 11: "A bill for an act to grant the right to establish ferries, and maintain the same, to certain persons in this territory."

Council bill No. 12: a bill entitled, "An Act to locate a territorial road from Yankton to the Big Sioux river."

Council bill No. 13: "A bill for an act to locate and establish a territorial road from Yankton, via Smutty Bear's camp, Bon Homme, Springfield, Neshuda, to the mouth of Choteau creek."

Council bill No. 15: "A bill for an act to authorize Michael McCue and Frank Verzani to establish and keep a ferry on the Missouri river."

Council file No. 2: "A memorial to congress for a mail route from Sioux Falls city to Vermilion."

Council file No. 3: "A memorial for an appropriation for the construction of a military road from Fort Randall to Sioux city.

W. JAYNE, *Governor.*

YANKTON, EXECUTIVE OFFICE, April 15, 1862.

The committee on enrolled bills presented the following report:

MR. PRESIDENT:

Your committee on enrolled bills have presented council bills

Nos. 3, 12, 4, 15, 11, 13, 7, to His Excellency the governor, for his approval and signature.

Your committee have also examined council bills Nos. 24, 17, 19, and 6, and find them correctly enrolled.

W. W. BROOKINGS, *Chairman*.

The following report was presented from committee of the whole :

MR. PRESIDENT :

The committee of the whole, to whom was referred council bill No. 27, report the same back to the council, and recommend its passage, with the amendments thereto attached.

D. T. BRAMBLE, *Chairman*.

House file No. 4: "A bill for an act to prevent the firing of woods, marshes, and prairies," taken up.

On motion, report of committee adopted, and

The bill was indefinitely postponed.

Council bill No. 29: "A bill for an act providing for the appointment of commissioners to take the acknowledgment of deeds and other instruments, and defining the duties thereof," taken up.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 7; noes 0, as follows:

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Cole, Deuel, and president.

Bill passed, and title agreed to.

House file No. 11 taken up, and

Referred to committee of whole for Thursday, April 10.

Council bill No. 27.

On motion, committee's report adopted, and the bill ordered engrossed for a third reading for Monday.

The following message was received from the house:

HOUSE OF REPRESENTATIVES, }
April 5, 1862. }

MR. PRESIDENT :

I have the honor to inform your honorable body that council bill No. 20: "A bill for an act to locate the seat of government of the Territory of Dakota," has passed the house of representatives with the accompanying amendments, and I herewith return the same.

J. R. HANSON, *Chief Clerk*.

Council bill No. 20 taken up.

Mr. Bramble moved the council do not concur in house amendments.

Ayes and noes ordered on the question of non-concurrence.

Resulted, ayes 6; noes 2, as follows:

Ayes — Messrs. Bramble, Brookings, Cole, Deuel, Stutsman, and president.

Noes — Messrs. Betts and Boyle.

Carried.

On motion, the secretary of the council was instructed to inform the house forthwith that the council had refused to concur in their amendments to council bill No. 20.

Council took a recess till 11 o'clock.

At 11 o'clock the president resumed the chair.

Mr. Brookings presented the following report:

Your committee on enrolled bills have examined house files Nos. 3, 12, 17, and 24, and find them correctly enrolled.

W. W. BROOKINGS, *Chairman*.

Mr. Bramble introduced the following resolution, which was unanimously adopted.

Resolved, That the council authorize the secretary of the territory to pay the sergeant-at-arms, fireman, and messenger three dollars per day, for services in the council.

The following message was received from the house:

HOUSE OF REPRESENTATIVES, }
April 5, 1862. }

MR. PRESIDENT:

I have to inform your honorable body that the house of representatives have receded from their amendments to council bill No. 20, and have concurred in the original bill without amendments, and I herewith return the same.

J. R. HANSON, *Chief Clerk*.

On motion of Mr. Bramble, the council adjourned at half past 11 o'clock, A. M.

J. H. SHOBER, *President*.

JAMES TUFTS, *Secretary*.

NINETEENTH DAY.

COUNCIL CHAMBER, }
Monday, April 7, 1862. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names : Messrs. Betts, Boyle, Bramble, Brookings, Cole, Deuel, Stutsman, and president. Journal read and approved.

The following message was received from the house.

HOUSE OF REPRESENTATIVES, }
April 7, 1862.

MR. PRESIDENT:

SIR,—I have the honor of informing your honorable council, that the house of representatives has concurred in, and passed the following council bills, to wit:

Council bill No. 3: "A bill entitled, an act for the establishment of Cole county in the Territory of Dakota."

Also, council bill No. 18: "A bill for an act creating and establishing Jayne and Hutchinson counties, defining the boundary lines of the same, and for other purposes."

Also, council bill No. 14: "A bill for an act to provide for county officers; and I herewith return the same."

The house has also passed house file No. 27: "An Act to establish a territorial road from the Big Sioux river, by way of Vermilion, to Yankton, D. T.," and the concurrence of the council therein, is respectfully requested.

J. R. HANSON, *Chief Clerk.*

Mr. Shober introduced council bill No. 34: "A bill for an act to organize and discipline the militia."

Read first and second time, and

Referred to committee on military affairs.

Mr. Bramble, from committee on highways, reported back council bill No. 21, with amendments attached, and recommended its passage.

Mr. Stutsman, from committee on elections, reported back house file No. 21, and recommended its passage with amendments.

The following report was received from committee on engrossed and enrolled bills.

MR. PRESIDENT:

Your committee on engrossed and enrolled bills, have examined council file No. 27, and find it correctly engrossed.

Your committee have presented council bills Nos. 24, 17, 19, and 6, to His Excellency the governor, for his approval and signature.

Your committee have also examined council bill No. 20, and find it correctly enrolled.

W. W. BROOKINGS, *Chairman.*

Mr. Stutsman, from committee on federal relations, reported back council files Nos. 5 and 6, also house files Nos. 14, 15, 23, and 28, and recommended their passage.

Council bill No. 27: "An Act to create a lien for mechanics and others."

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 8; noes 0, as follows:

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Cole, Deuel, Stutsman, and president.

Bill passed, and title agreed to.

Council bill No. 21 taken up, and

Ordered engrossed for a third reading to-morrow.

House file No. 28: "Joint memorial and resolution, relative to the passage of a homestead bill by congress," taken up,

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 8; noes 0, as follows:

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Cole, Deuel, Stutsman, and president.

Bill passed, and title agreed to.

Council file No. 5: "A memorial to the Secretary of Interior," taken up.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 8; noes 0, as follows:

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Cole, Deuel, Stutsman, and president.

Bill passed, and title agreed to.

Council file No. 6: "Memorial for a mail route from Elk Point, to Sioux Falls city," taken up.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 8; noes 0, as follows:

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Cole, Deuel, Stutsman, and president.

Bill passed, title agreed to.

House file No. 14: "Memorial for wagon road, from the Big Sioux to Fort Randall," taken up, and

On motion, laid on the table.

House file No. 15 taken up.

On motion of Mr. Betts, the bill was amended by striking out the word "sale," and inserting the word "purchase," in lieu thereof.

The bill was then read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 8; noes 0, as follows:

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Cole, Deuel, Stutsman, and president.

Bill passed, and title agreed to.

House file No. 23 taken up.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 8; noes 0, as follows:

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Cole, Deuel, Stutsman, and president.

Bill passed, and title agreed to.

House file No. 21: "An Act to fix time for convening the legislative assembly," taken up.

Reported amendment adopted.

Bill read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 8, and noes 0, as follows:

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Cole, Deuel, Stutsman, and president.

Bill passed, and title agreed to.

House file No. 27.

Read first and second time, and

Referred to committee on highways, &c.

Council here took a recess until eleven o'clock, at which time

The president resumed the chair, and

The following message was received from the house:

HOUSE OF REPRESENTATIVES, }
April 7, 1862.

MR. PRESIDENT:

I am instructed to inform your honorable body, that the house of representatives has appointed, agreeably to your request, a committee of three, to act with the committee appointed by your honorable council, to consider council bill No. 2.

Messrs. Puett, Donaldson, and Wood, have been appointed such committee.

J. R. HANSON, *Chief Clerk*.

On motion of Mr. Bramble, the council adjourned at 11 o'clock.

J. H. SHOBER, *President*.

JAMES TUFTS, *Secretary*.

TWENTIETH DAY.

COUNCIL CHAMBER, }
Tuesday, April 8, 1862. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the chaplain.

Mr. Gregory appeared in his seat, and was qualified by the president.

Roll called.

The following members answered to their names: Messrs. Betts, Boyle, Bramble, Brookings, Cole, Deuel, Gregory, Stutsman, and president.

Journal read and approved.

The following message was received from the house:

HOUSE OF REPRESENTATIVES, }
April 8, 1862. }

MR. PRESIDENT:

SIR,—I have the honor of informing your honorable council; that the house of representatives has passed the following council bills, to wit:

Council bill No. 23: "A bill for an act granting George C. Granger, his heirs, executors, and administrators, a ferry charter across the Missouri river."

Also, council bill No. 28: "A bill for an act granting to Charles Cooper and Richard Johnson a ferry charter across the Missouri river."

Also, council bill No. 5: "A bill entitled an act for the establishment of Clay county in the Territory of Dakota."

Also, council bill No. 26: "A bill for an act to establish the width of territorial and county roads," with an attached amendment. All of which bills I herewith return.

The house has also passed house file No. 19: "A bill legalizing marriages in the territory of Dakota."

Also, house file No. 22: "An Act to exempt certain property from mesne process and levy of execution."

Also, house file No. 29: "An act to provide for an estray law."

Also, house file No. 47: "A bill for an act to locate the penitentiary."

Also, house files Nos. 35, 36, 37, 38, and 39, all of which refer to the apportionment of the representation of different counties.

In all of the above-mentioned bills, the concurrence of the council is respectfully requested.

J. R. HANSON, *Chief Clerk.*

Mr. Stutsman introduced the following resolution, and moved its adoption.

Resolved, That a committee be appointed by the president, whose duty it shall be to call on the governor and demand his reasons for placing an armed body of soldiers in the representatives hall during the session of the house this morning.

Ayes and noes ordered on the adoption of the resolution.

Resulted, ayes 8; noes 1, as follows:

Ayes — Messrs. Boyle, Bramble, Brookings, Cole, Deuel, Gregory, Stutsman, and president.

Noes — Mr. Betts.

Resolution adopted.

Mr. Brookings introduced council bill No. 35: "A bill for an act to locate a territorial road from Paul Paquette's ferry, to intersect the road from Willow post-office to John McBride's.

Read first and second time, and

Referred to committee on highways.

Mr. Brookings introduced council bill No. 36: "A bill for an act to incorporate the town of Elk Point.

Read first and second time, and referred to committee on incorporations.

Mr. Shober introduced council bill No. 37: "A bill for an act to provide for surveying, platting, and recording towns and cities."

Read first and second time, and

Referred to committee on territorial affairs.

Mr. Brookings presented the following:

MR. PRESIDENT:

Your committee on enrolled bills, presented council bill No. 20 to His Excellency the governor for his approval and signature on the 7th day of April.

Your committee have also examined council bill No. 18, and find it correctly enrolled; also, council bill No. 21, and find it correctly engrossed.

W. W. BROOKINGS, *Chairman*.

Mr. Stutsman, from committee on federal relations, reported back house file No. 16, and recommended its passage.

House file No. 16: "A memorial to congress, asking for a treaty to be made with the Chippewa Indians of Red lake and Pembina on the Red river of the North," was taken up.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes, 9; noes 0, as follows:

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Cole, Deuel, Gregory, Stutsman, and president.

Bill passed, and title agreed to.

Council bill No. 21, taken up.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 9; noes 0, as follows:

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Cole, Deuel, Gregory, Stutsman, and president.

Bill passed, and title agreed to.

Council bill No. 26: "An Act to establish the width of territorial roads."

On motion, the amendment of the house was concurred in.

House file No. 19.

Read first and second time.

Referred to committee on judiciary.

House file No. 29.

Read first and second time.

Referred to committee on territorial affairs.

House file No. 47.

Read first and second time.

Referred to committee on territorial affairs.

House file No. 22.

Read first and second time.

Referred to committee on judiciary.

House file No. 35.

Read first and second time.

Referred to committee on elections.

House file No. 36.

Read first and second time.

Referred to committee on elections.

House file No. 37.

Read first and second time.

Referred to committee on elections.

House file No. 38.

Read first and second time.

Referred to committee on elections.

House file No. 39.

Read first and second time.

Referred to committee on elections.

On motion of Mr. Stutsman, the vote referring house file No. 47: "A bill for an act locating the penitentiary," was reconsidered.

The bill taken up, on motion rules suspended.

The bill read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 6; noes 3, as follows:

Ayes — Messrs. Bramble, Cole, Deuel, Gregory, Stutsman, and president.

Noes — Messrs. Betts, Boyle, and Brookings.

Bill passed, and title agreed to.

Council resolved itself into committee of the whole, Mr. Deuel in the chair, for the purpose of considering council bill No. 22.

After spending some time therein, the committee rose, and through their chairman reported the bill back to the council, and recommended its passage, with the amendments thereto attached, on the adoption of the report of committee.

Ayes and noes ordered.

Resulted, ayes 5; noes 4, as follows:

Ayes — Messrs. Bramble, Deuel, Gregory, Stutsman, and president.

Noes — Messrs. Betts, Boyle, Brookings, and Cole.

The report of committee adopted.

Mr. Bramble moved the bill be indefinitely postponed.

Lost.

On motion the bill was ordered to be engrossed for third reading to-morrow.

On motion of Mr. Betts, the council adjourned at half past ten, A.M.

J. H. SHOBER, *President*.

JAMES TUFTS, *Secretary*.

TWENTY-FIRST DAY.

COUNCIL CHAMBER, }
Wednesday, April 9, 1862. }

Council met pursuant to adjournment.

President in the chair.

Prayer by chaplain.

Roll called.

The following members answered to their names: Messrs. Betts, Boyle, Bramble, Brookings, Cole, Deuel, Gregory, Stutsman, and president.

Journal read and approved.

Mr. Brookings gave notice of a bill relating to bills of exchange and promissory notes.

Mr. Brookings introduced council bill No. 38: "A bill for an act granting a ferry charter to W. M. Rich across the Big Sioux river."

Read first, and second time, and
Referred to committee on highways.

The following communication was received from the governor:

YANKTON, EXECUTIVE OFFICE, }
April 8, 1862. }

TO THE COUNCIL:

I have this day approved and signed a bill entitled council bill No. 20: "A bill for an act to locate the seat of government of Dakota Territory."

W. JAYNE, Governor.

Mr. Shober introduced council bill No. 39: "A bill for an act to designate the time of the meeting of the legislature, and define the duties of the same."

Read first and second time, and
Referred to committee on election.

Mr. Shober introduced council bill No. 40: "A bill for an act to designate the time of holding the general election, and provide for the election of a delegate to the Congress of the United States."

Read first and second time, and
Referred to committee on elections.

Mr. Bramble, from judiciary committee, reported back house file Nos. 7 and 33, without recommendation.

Also house file No. 19, and recommended its passage with the amendment thereto attached.

Mr. Bramble, from committee on highways, &c., reported back house file No. 9, and recommended its passage without amendment.

Committee on engrossed and enrolled bills reported as follows:

MR. PRESIDENT:

"Your committee on enrolled bills have examined council bills Nos. 3, 5, 23, 28, and 29, and find them correctly enrolled.

Your committee have also examined council bill No. 22: "A bill for an act to locate county seats," and find it correctly engrossed.

W. W. BROOKINGS, Chairman.

Council bill No. 22: "Bill for an act to provide for the location of the county seats of the counties in this territory," taken up.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 7; noes 2, as follows:

Ayes — Messrs. Betts, Boyle, Cole, Deuel, Gregory, Stutsman, and president.

Noes — Bramble and Brookings.

Bill passed, title agreed to.

House file No. 7: "An Act relative to money of account and interest," taken up, and

On motion of Mr. Bramble, indefinitely postponed.

House file No. 19: "Bill legalizing marriages in the Territory of Dakota," taken up.

The amendment of committee adopted.

Bill read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 9; noes 0, as follows:

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Cole, Deuel, Gregory, Stutsman, and president.

Bill passed, and title agreed to.

House file No. 33: "An Act to prevent illegal interest," taken up, and

On motion of Mr. Bramble, postponed till July next.

House file No. 9: "Memorial to establish a road from the eastern line of the territory, near Sioux Falls, to Yankton," taken up.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 8; noes 0, as follows:

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Cole, Deuel, Gregory, and Stutsman.

Bill passed, title agreed to.

Mr. Stutsman, from select committee to wait upon governor, in accordance with resolution adopted yesterday, presented the following report:

MR. PRESIDENT:

Your special committee, appointed with instructions to call on His Excellency the governor, and demand his reason for placing an armed body of troops in the representative hall yesterday, while the house was in session; beg leave to report that we called upon the governor, and, after presenting the resolution of the council, received a verbal statement of facts about to the following effect:— One George M. Pinney, speaker of the house, represented to the governor verbally and in writing, that there was imminent danger of the peace and quiet of the house being disturbed by persons in and out of the house, and said Pinney demanded protection of the governor. In compliance with said demand, His Excellency issued an order to Lieutenant Ploghoff, a copy of which is hereto attached, and made a part of this report. After a full examination of all the facts in our possession, your committee believe that by false representations made by said Pinney and others, the governor, with the best intentions, did an unnecessary act, thereby offering an insult to the representatives of the people, to the citizens of Yankton, and to the territory at large. And your committee believe that the said order of the governor, and the scandal thereby created,

were wholly occasioned by the false and slanderous representations of said Pinney and others.

All of which is respectfully submitted.

E. STUTSMAN,
A. COLE,
J. DEUEL, } *Committee.*

YANKTON, DAKOTA TERRITORY,
Executive Office, April 7, 1862. }

LIEUTENANT PLUGHOFF, COMMANDING DAKOTA CAVALRY:

SIR, — I have been informed by a written communication received from Hon. George M. Pinney, speaker of the house of representatives, that from threats and representations received from reliable sources, that he fears that the business of the house will be interrupted by violence, and he calls on me for force to protect the house in the lawful pursuit of its duties. You are directed to proceed to the hall of the house on to-morrow morning at half past eight o'clock, A. M., with twenty men, for the purpose of protecting the house while in the peaceful pursuit of its business, from violence. It will be your duty to aid the speaker in preserving order, and to arrest any person violating the peace, and quiet, and decorum of that body.

I am, very respectfully,

W. JAYNE, *Governor,*
Commander-in-chief Dakota Militia.

On motion of Mr. Bramble, the report was adopted and ordered to be spread upon the journal.

On motion of Mr. Bramble, the council took a recess till half past two o'clock.

At half past two o'clock the president resumed the chair.

On motion of Mr. Bramble, house file No. 11, "An Act to prevent the traffic in ardent spirits with Indians," was taken up, and

The council resolved itself into committee of the whole to consider the same.

Mr. Boyle in the chair.

After spending some time therein, the committee rose, and through their chairman, reported the bill back to the house, with amendments thereto attached, without recommendation.

On motion, the report of the committee was adopted.

Mr. Bramble moved to lay the bill on the table.

Carried.

On motion of Mr. Boyle, the council adjourned at four o'clock, P. M.

JAMES TUFTS, *Secretary.*

J. H. SHOBER, *President.*

TWENTY-SECOND DAY.

COUNCIL CHAMBER,
Thursday, April 10, 1862. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names : Messrs. Betts, Boyle, Bramble, Brookings, Cole, Deuel, Gregory, Stutsman, and president.

Journal being read,

Mr. Boyle moved to expunge from the journal all that portion of the report of the select committee to wait on the governor, and demand his reasons for placing an armed body of soldiers in the representative hall, except the communication of the governor.

Ayes and noes ordered.

Resulted, ayes 3 ; noes 6, as follows :

Ayes — Messrs. Betts, Boyle, and Brookings.

Noes — Messrs. Bramble, Cole, Deuel, Gregory, Stutsman, and president.

Motion lost.

Journal approved as read.

Message from the house :

HOUSE OF REPRESENTATIVES, }
April 10, 1862. }

MR. PRESIDENT :

SIR, — I have to inform your honorable council that Hon. Geo. M. Pinney has tendered his resignation as speaker of the house of representatives, and that Hon. John L. Tiernan has been elected to fill the vacancy occasioned by such vacancy.

J. R. HANSON, *Chief Clerk*.

Mr. Stutsman introduced council bill No. 41 : " An Act granting to Arthur C. Vanmeter a ferry charter across the Vermilion river."

Read first and second time, and

Referred to committee on highways.

Mr. Bramble, from judiciary committee, reported back council bill No. 32 and house file No. 29, and recommended their passage.

Also, council bill No. 31, and recommended it be recommitted to committee of the whole.

Mr. Deuel, from committee on incorporations, reported back council bill No. 36, and recommended its passage.

Mr. Bramble, from committee on highways, reported back council bill No. 35, and recommended that it do not pass.

Also, house file No. 27, and recommended its passage, with an amendment.

Mr. Bramble, from committee on territorial affairs, reported back council bill No. 37, and recommended it to be recommitted to committee of the whole.

Mr. Brookings, from committee on engrossed bills, reported council bill No. 14 correctly enrolled. *

Mr. Gregory, from committee on federal relations, reported back house files Nos. 8 and 10, and recommended their indefinite postponement.

Council bill No. 31: "An Act regulating the sale of spirituous liquors," taken up.

Report of committee adopted, and

Bill recommitted to committee of the whole for Saturday next.

Council bill No. 32: "Bill for an act to protect persons holding claims on public lands," taken up, and

On motion, laid on the table.

House file No. 29: "Bill for an act to provide an estray law," taken up, and

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 8; noes 0, as follows:

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Cole, Deuel, Gregory, and Stutsman.

Bill passed, and title agreed to.

Council bill No. 36: "A bill for an act to incorporate the town of Elk Point," taken up.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 8; noes 0, as follows:

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Cole, Deuel, Gregory, and Stutsman.

Bill passed, title agreed to.

Council bill No. 35: "Bill for an act to locate a territorial road from Paul Paquette's ferry, to intersect the road from Willow post-office to John McBride's," taken up.

Mr. Bramble moved its indefinite postponement.

Ayes and noes ordered.

Resulted, ayes 5; noes 4, as follows:

Ayes — Messrs. Boyle, Bramble, Cole, Deuel, and Stutsman.

Noes — Messrs. Betts, Brookings, Gregory, and president.

Motion carried, and bill indefinitely postponed.

House file No. 27: "An Act to establish a territorial road from Big Sioux river, by way of Vermilion to Yankton, Dakota Territory," taken up.

On the adoption of the amendment reported by committee, Ayes and noes were ordered.

Resulted, ayes 6; noes 2, as follows:

Ayes — Messrs. Bramble, Brookings, Cole, Deuel, Gregory, and Stutsman.

Noes — Messrs. Betts and Boyle.

Amendment adopted.

The bill was then read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 9; noes 0, as follows:

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Cole, Deuel, Gregory, Stutsman, and president.

Bill passed, title agreed to.

Council bill No. 37: for "An Act to provide for surveying, platting, and recording towns and cities," taken up, and

On motion, referred to committee of the whole for to-morrow.

House file No. 8: "Memorial for the establishment of a fort at Sioux Falls," taken up, and

On motion, indefinitely postponed.

House file No. 10: "A memorial to congress to have the cavalry company enlisted within the territory placed under the control of the governor," taken up.

Mr. Bramble moved its indefinite postponement.

Ayes and noes ordered.

Resulted, ayes 5; noes 3, as follows:

Ayes — Messrs. Bramble, Cole, Deuel, Gregory, and Stutsman.

Noes — Messrs. Betts, Boyle, and Brookings.

Carried.

Council here resolved itself into committee of the whole,

Mr. Deuel in the chair,

To take into consideration council bill No. 33.

After spending some time therein, committee rose, and, through their chairman, reported the bill back to the council, and recommended its passage, with amendments thereto attached.

Report of committee adopted.

Mr. Betts moved the bill be indefinitely postponed.

Ayes and noes ordered.

Resulted, ayes 3; noes 6, as follows:

Ayes — Messrs. Betts, Boyle, and Brookings.

Noes — Messrs. Bramble, Cole, Deuel, Gregory, Stutsman, and president.

Lost.

The bill was then ordered engrossed for a third reading to-morrow.

Mr. Stutsman moved that house file No. 11 be taken from the table.

Lost.

On motion of Mr. Cole, council adjourned at half past eleven o'clock, A. M.

J. H. SHOBER, *President*.

JAMES TUFTS, *Secretary*.

TWENTY-THIRD DAY.

COUNCIL CHAMBER, }
Friday, April 11, 1862. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names: Messrs. Bramble, Brookings, Deuel, Gregory, Stutsman, and president.

Mr. Cole, on motion, excused.

Journal read and approved.

Mr. Stutsman introduced council bill No. 42 : "An Act to incorporate the town of Yankton."

Read first and second time, and

Referred to committee on incorporations.

Also, council bill No. 43 : "An Act granting to William P. Lyman and John M. Patterson, and their heirs, a charter to keep a ferry across the Missouri river."

Read first and second time, and

Referred to committee on highways, &c.

Mr. Gregory, from military committee, reported back council bill No. 34, and recommended its passage with the amendments thereto attached.

Mr. Brookings, from committee on engrossed bills, reported council bill No. 33 correctly engrossed; also,

MR. PRESIDENT,—Your committee on enrolled bills, "presented council bill Nos. 3, 5, and 26, to His Excellency the governor, on the ninth day of April, for his approval and signature."

W. W. BROOKINGS, *Chairman*.

Mr. Bramble from committee on highways, reported back council bill No. 38, and recommended its passage, with the amendments thereto attached.

The following message was received from the house.

HOUSE OF REPRESENTATIVES,
April 11, 1862.

MR. PRESIDENT:

SIR, — I have the honor of informing your honorable body, that the following bills have passed the house of representatives, namely:

House file No. 34: "An Act naming and locating the county seat of Cole county."

Also, house file No. 40: "An Act to apportion the representatives of the Red river district."

Also, house file No. 44: "An Act to apportion the representation to the county of Cole."

In all of which the concurrence of the council is respectfully requested.

I have also to inform you that the house has concurred in council amendments to house file No. 21: "An Act to fix the time for holding and convening the legislative assembly."

J. R. HANSON, *Chief Clerk.*

Council bill No. 33: "Bill for an act to prevent persons of color residing in Dakota," taken up.

Mr. Boyle moved to lay the bill on the table.

Lost.

On motion, the bill was then read third time and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 5; noes 3, as follows:

Ayes — Messrs. Bramble, Deuel, Gregory, Stutsman, and president.

Noes — Messrs. Betts, Boyle, and Brookings.

Council bill No. 34: "Bill for an act to organize and discipline the militia," taken up.

Amendment reported by the committee adopted, and
Bill ordered engrossed for third reading to-morrow.

Council bill No. 38.

Amendment reported by committee adopted.

On motion of Mr. Brookings, the bill was amended so as to read M. M. Rich, instead of W. M. Rich.

Bill was then ordered engrossed for third reading to-morrow.

House file No. 34, read first and second time, and
Referred to committee on counties.

House file No. 40, read first and second time, and
Referred to committee on elections.

House file No. 44, read first and second time, and
Referred to committee on elections.

On motion of Mr. Stutsman, house file No. 11, was taken from table.

Read third time and put upon its passage.

Ayes and noes being ordered,

Resulted, ayes 6 ; noes 2, as follows :

Ayes — Messrs. Betts, Brookings, Deuel, Gregory, Stutsman, and president.

Noes — Messrs. Boyle and Bramble.

Bill passed, title agreed to.

Council here resolved itself into a committee of the whole,

Mr. Bramble in the chair,

To take into consideration council bill No. 37.

After spending some time therein, the committee rose, and through the chairman reported the bill back to the council with amendments, and recommended their adoption.

Report adopted, and bill ordered engrossed for third reading to-morrow.

Mr. Shober asked and obtained leave to introduce council bill No. 44: "Bill for an act to define the rights of persons who are accused of crimes and offences.

Read first and second time, and

Referred to committee on judiciary.

On motion of Mr. Bramble, the council adjourned at 11 o'clock, to meet at 10, A. M.

J. H. SHOBER, *President*.

JAMES TUFTS, *Secretary*.

TWENTY-FOURTH DAY.

COUNCIL CHAMBER, }
Saturday, April 12, 1862. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names: Messrs. Betts, Boyle, Bramble, Brookings, Cole, Deuel, Gregory, Stutsman, and president.

Journal read and approved.

Mr. Gregory gave notice of the following bills: Of a bill to incorporate the town of Mixville, in Todd county.

Also, of a bill to incorporate the town of Neshuda, Bon Homme county.

Also, for a ferry charter across the Missouri river, at the town of Neshuda, Bon Homme county.

Also, of a memorial for a treaty with the Brulis Sioux Indians.

Mr. Stutsman introduced council bill No. 45: "An act defining the council and representative districts, and apportioning the representation thereof."

Read first and second times, and

Referred to committee on elections.

Mr. Bramble from select committee to prepare a criminal code, introduced council bill No. 30, which was

Read first and second time, and

Referred to committee of whole, on Monday next, at eleven o'clock, A. M.

Mr. Deuel, from committee on incorporations, reported back house file No. 34, and recommended its passage.

Also, council bill No. 42, and recommended its passage, with amendments attached.

Mr. Stutsman, from committee on elections, presented the following report:

COMMITTEE ROOMS, April 12, 1862.

MR. PRESIDENT:

Your committee on elections have had under consideration council bill No. 39, and report the same back with the attached amendment, and recommend its passage.

Also, council bill No. 40, with the attached amendment, and recommend its passage.

Respectfully submitted,

E. STUTSMAN, } Committee.
J. DEUEL, }

Mr. Gregory, from same committee, presented the following minority report:

COMMITTEE ROOMS, April 12, 1862.

MR. PRESIDENT:

The minority of the committee on elections, having had under consideration council bill No. 39, report the same back with the attached amendment, and recommend its passage.

Also, council bill No. 40, and report the same back without amendment, and recommend its passage.

Respectfully submitted,

J. SHAW GREGORY, *for the Minority.*

Mr. Brookings, from committee on enrolled bills, presented the following report:

MR. PRESIDENT:

Your committee on enrolled bills, presented on the eleventh day

of April, council bills Nos. 28, 23, 18, and 14, to His Excellency the governor, for his approval and signature.

Your committee have examined council bill No. 34: "A bill for an act regulating the militia."

Council bill No. 38: "A bill granting a ferry charter to M. M. Rich."

Council bill No. 37: "A bill to provide for surveying towns and cities," and find them correctly engrossed.

W. W. BROOKINGS, *Chairman*.

Mr. Bramble, from committee on highways, reported back council bill No. 41, and recommended its passage with amendments thereto attached.

Also, council bill No. 43, and recommended its passage without amendment.

Council bill No. 34: "An act organizing and disciplining the militia," taken up.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted ayes 9; noes 0, as follows:

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Cole, Deuel, Gregory, Stutsman, and president.

Bill passed, and title agreed to.

Council bill No. 37 taken up.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 9; noes 0, as follows:

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Cole, Deuel, Gregory, Stutsman, and president.

Bill passed, and title agreed to.

Council bill No. 38: "Bill granting ferry charter to M. M. Rich, across the Big Sioux."

Taken up, read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 9; noes 0, as follows:

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Cole, Deuel, Gregory, Stutsman, and president.

Bill passed, and title agreed to.

House file No. 34: "An act naming and locating the county seat of Cole county."

Taken up, read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 5; noes 2, as follows:

Ayes — Messrs. Bramble, Cole, Deuel, Gregory, Stutsman.

Noes — Messrs. Betts and Brookings.

Bill passed, and title agreed to.

Council bill No. 42, read third time, and put upon its passage.
Ayes and noes ordered.

Resulted, ayes 9; noes 0, as follows:

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Cole, Deuel, Gregory, Stutsman, and president.

Bill passed, and title agreed to.

Council bill No. 41, on motion, the amendment reported by the committee adopted, and bill ordered engrossed for third reading, to-morrow.

Council bill No. 43: "An act granting W. P. Lyman and John M. Patterson, and their heirs, a charter to keep a ferry across the Missouri river."

Read third time, and put upon its passage.

Yeas and noes ordered.

Resulted, ayes 8; noes 0, as follows:

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Cole, Deuel, Gregory, and Stutsman.

Bill passed, and title agreed to.

Council bill No. 39: "Bill for an act to designate the time of the meeting of the legislature, and define the duties of the same," taken up.

The amendment reported by committee adopted, and

Bill ordered engrossed for third reading, to-morrow.

Council bill No. 40: "Bill for an act to designate the time of holding the general election, and providing for the election of delegate to the congress of the United States," taken up.

Mr. Bramble moved to lay the bill on the table.

Lost.

Mr. Stutsman moved the adoption of the majority report of committee.

Ayes and noes ordered.

Resulted, ayes 3; noes 6, as follows:

Ayes — Messrs. Bramble, Deuel, and Stutsman.

Noes — Messrs. Betts, Boyle, Brookings, Cole, Gregory, and president.

Lost.

Mr. Shober moved the adoption of the minority report.

Carried.

The bill was then read third time and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 7; noes 2, as follows:

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Cole, Gregory, and president.

Noes — Messrs. Deuel and Stutsman.

Bill passed, title agreed to.

The council, on motion, resolved itself into a committee of the

whole to consider council bill No. 31. Meanwhile, the following message was received from the house.

HOUSE OF REPRESENTATIVES,
April 12, 1862.

MR. PRESIDENT:

SIR,—I have the honor of informing your honorable council, that the house has concurred in, and passed the following council bills, namely:

Council file No. 6: "Memorial for a mail route from Elk Point to Sioux Falls city."

Also, council bill No. 21: "A bill for an act granting ferry charters across the Missouri river."

Both of which I herewith return.

The house has also passed house file No. 48: "An Act to locate the university of the Territory of Dakota."

Also, house file No. 49: "A bill for an act to locate the county seat of Clay county," and the concurrence of the council therein is respectfully requested.

I have also to inform you that the house has concurred in council amendments to house file No. 27.

J. R. HANSON, *Chief Clerk.*

After spending some time therein, the committee rose and reported through the chairman the bill back to the house, with amendments thereto attached, and recommended their adoption.

On motion, the report of the committee was adopted.

Mr. Betts offered the following amendment, which was adopted:

Strike out the words "the same," in last line of section 8, and insert the words "the schools in said town or city."

The bill was thus ordered engrossed for third reading to-morrow.

House file No. 49: "A bill for an act to locate the county seat of Clay county," taken up.

On motion, the rules were suspended, the bill read first, second, and third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 5; noes 3, as follows:

Ayes — Messrs. Bramble, Cole, Deuel, Gregory, and Stutsman.

Noes — Messrs. Betts, Boyle, and Brookings.

Bill passed, title agreed to.

House file No. 48: "An Act to locate the university of the Territory of Dakota."

Mr. Stutsman moved the following amendment:

Amend section 1, by striking out the following words consecutively, to wit: "Block No. 120, in the town plat of Vermilion, situated on section No. twenty-four (24), north of range No. fifty-two west of fifth principal meridian," and insert in lieu thereof, the following words, to wit: "Lot No. four, of section twenty-four, in

township No. ninety-two, north of range No. fifty-two west of the fifth principal meridian, in the town of Vermilion, in Clay county."

Mr. Bramble demanded the previous question on the adoption of the amendment, which being sustained, the main question was put, and the amendment adopted.

On motion of Mr. Bramble, the rules were suspended, the bill read first, second, and third time, and put upon its passage.

Ayes and noes ordered.

Resulted, Ayes 6; noes 2, as follows:

Ayes — Messrs. Betts, Bramble, Cole, Deuel, Gregory, and Stutsman.

Noes — Messrs. Boyle and Brookings.

Bill passed, title agreed to.

On motion of Mr. Bramble, the council adjourned at half past eleven, to meet to morrow at ten, A. M.

J. H. SHOBER, *President*.

JAMES TUFTS, *Secretary*.

TWENTY-FIFTH DAY.

COUNCIL CHAMBER, }
Monday, April 14, 1862. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names: Messrs. Betts, Boyle, Bramble, Brookings, Cole, Deuel, Gregory, Stutsman, and president.

Journal read and approved.

Mr. Gregory gave notice of the following bills:

Of a territorial road from Old Whip island to Fort Randall, via Mixville, Todd county.

Also, of a memorial to the War Department, asking that Fort Randall shall be made the military depot for the West.

Also, of a memorial for an appropriation to bridge the Running Water river.

Mr. Shober introduced council bill No. 46: "A bill for an act to regulate the weights and measures of this territory."

Read first and second time, and

Referred to committee on territorial affairs.

Also, council bill No. 47: "A bill for an act for the protection of game."

Read first and second time, and

Referred to committee on territorial affairs.

Also, council bill No. 48: "An Act to incorporate the Old Settlers Historical Society."

Read first and second time, and

Referred to committee on territorial affairs.

Also, council file No. 8: "Memorial to congress in regard to the direct tax."

Read first and second time, and

Referred to committee on federal relations.

Also, council file No. 9: "A memorial to the president of the United States, praying for the establishment of a military post at Sioux Falls city."

Read first and second time, and

Referred to committee on federal relations.

Mr. Brookings introduced council bill No. 49: "An Act defining the duties and manner of appointing district clerks."

Read first and second time, and

Referred to committee on judiciary.

The following message from the house:

HOUSE OF REPRESENTATIVES, }
April 14, 1862.

MR. PRESIDENT:

I have to inform your honorable body that the house of representatives has passed house file No. 52: "An Act authorizing the governor to appoint an emigrant agent."

J. R. HANSON, *Chief Clerk.*

Mr. Bramble, from committee on Judiciary, reported back council bill No. 44, and recommended its passage.

Mr. Brookings submitted the following report:

MR. PRESIDENT:

Your committee on engrossed bills have examined council bill No. 31: "A bill for an act regulating the sale of spirituous liquors."

Also, council bill No. 39: "A bill for an act to designate the time of the meeting of the legislature, and define the duties of the same."

Also, council bill No. 41: "A bill granting to Arthur C. Van Meter a ferry charter across the Vermilion river."

W. W. BROOKINGS, *Chairman.*

Mr. Stutsman, from committee on elections, presented the following report:

Your committee on elections, to whom was referred council bill No. 45, "An Act defining the council and representative districts, and apportioning the representation thereof," report the same back without amendment, and recommend its passage.

E. STUTSMAN, }
J. DEUEL, } *Committee.*

Mr. Gregory, minority of same committee, reported as follows:

MR. PRESIDENT:

The minority of committee on elections having had council bill No. 45 under consideration, report the same back, with the following amendments, and recommend its passage. Strike out the word "twelve," line 1, section 1, and insert "thirteen" in lieu thereof; also, strike out the word "twenty-four," line 2, and insert in lieu thereof the word "twenty-six." Insert after section 7.

"SECTION 8. All that portion of territory lying on Red river, including the settlement of Pembina and St. Joseph, shall constitute the seventh council and representative districts of Dakota, and shall be entitled to one councilman and two representatives in the legislative assembly of the territory." Change section 8 to section 9, and section 9 to section 10.

Respectfully submitted,

J. SHAW GREGORY.

Council bill No. 31: "Bill for an act regulating the sale of spirituous liquors," taken up.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 8; noes 1, as follows:

Ayes — Messrs. Betts, Boyle, Bramble, Cole, Deuel, Gregory, Stutsman, and president.

Noes — Mr. Brookings.

Bill passed, and title agreed to.

Council bill No. 39: "Bill for an act to designate the time of the meeting of the legislature, and define the duties of the same," taken up.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 8; noes 1, as follows:

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Cole, Deuel, Gregory, and president.

Noes — Stutsman.

Bill passed, and title agreed to.

Council bill No. 41: "An Act granting to Arthur C. Van Meter and his heirs, a charter to keep a ferry across the Vermilion river," taken up.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 9; noes 0, as follows:

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Cole, Deuel, Gregory, Stutsman, and president.

Bill passed, and title agreed to.

Council bill No. 45 taken up.

Mr. Stutsman moved the adoption of the majority report, and

Demanded the ayes and noes.

Resulted, ayes 3 ; noes 6, as follows :

Ayes — Messrs. Deuel, Stutsman, and president.

Noes — Messrs. Betts, Boyle, Bramble, Brookings, Cole, and Gregory.

Lost.

Mr. Brookings moved the bill be recommitted to select committee of five.

Carried.

The chair appointed Messrs. Stutsman, Gregory, Deuel, Bramble, and Cole, said select committee.

House file No. 52 taken up.

Read first and second time, and

Referred to committee on territorial affairs.

The council here resolved itself into committee of the whole, Mr. Brookings in the chair, to consider council bill No. 30, "to establish a criminal code for Dakota."

After spending some time therein, the committee rose, and reported through their chairman the bill back to the council with amendments, and recommended their adoption.

Mr. Bramble moved the adoption of amendments of committee of the whole.

Mr. Betts demanded the ayes and noes.

Resulted, ayes 6 ; noes 2, as follows :

Ayes — Messrs. Bramble, Brookings, Cole, Deuel, Gregory, and Stutsman.

Noes — Messrs. Betts and Boyle.

Amendments adopted.

On motion, the bill was read third time and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 9 ; noes 0, as follows :

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Cole, Deuel, Gregory, Stutsman, and president.

Bill passed, and title agreed to.

The following message was received from the governor :

EXECUTIVE OFFICE, }
Yankton, April 14, 1862. }

TO THE HON. COUNCIL :

I have signed and approved council bills of the following titles :

Council bill No. 3 : "A bill for an act for the establishment of Cole county in the Territory of Dakota."

Council bill No. 5 : "An Act for the establishment of Clay county in the Territory of Dakota."

Council bill No. 6 : "A bill for an act to create and establish

the county of Yankton, to define the boundary lines, and to locate the county seat thereof."

Council bill No. 19: "A bill for an act to establish certain territorial roads."

Council bill No. 24: "A bill for an act to incorporate the town of Bon Homme."

Council bill No. 26: "An Act to establish the width of territorial and county roads."

I now return to your honorable body a bill, entitled "A bill for an act regulating marriages," with my reasons for not approving the bill. My objections to the bill relate entirely to the provisions of section second.

I think the principle engrafted in that section wrong, and that its practice would be very vicious.

I regard the marriage bond as the most sacred bond in all the relations of society. Any thing which tends to loosen it, and to throw discredit upon it, I believe is inimical to sound public policy and true morality. I believe that the marriage contract should be almost absolutely inviolate, the tie once formed, should be dissolved only from the most urgent and imperative reasons.

For the reasons assigned, and many more that will naturally occur to any mind which reflects upon the subject, I cannot give my approval to a law which gives to a man the power, after having lived with a female as man and wife five months and twenty-nine days, to say this marriage is a nullity.

W. JAYNE, *Governor.*

On motion of Mr. Betts, the council adjourned at half past twelve, M.

J. H. SHOBER, *President.*

JAMES TUFTS, *Secretary.*

TWENTY-SIXTH DAY.

COUNCIL CHAMBER, }
Tuesday, April 15, 1862. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names: Messrs. Betts, Boyle, Bramble, Brookings, Cole, Deuel, Gregory, Stutsman, and president.

Journal read and approved.

Mr. Bramble obtained leave to introduce council bill No. 50 :
 "An Act for the formation of cemetery associations."
 Read first and second time, and
 Referred to committee on incorporations.

Mr. Shober introduced council bill No. 51 : "A bill for an act to provide for corporations for mining, manufacturing, lumbering, agricultural, mechanical, and chemical purposes."
 Read first and second time, and
 Referred to committee on incorporations.

Mr. Bramble, from committee on territorial affairs, reported council bill No. 47 back to the council, and recommended its passage.

Mr. Brookings, from committee on enrolled bills, reported as follows :

COMMITTEE ROOMS, }
 April 13, 1862. }

MR. PRESIDENT :

Your committee on enrolled bills have examined council bill No. 21 : "An Act granting ferry charter across the Missouri river."

Also, council file No. 6 : "Memorial for a mail route from Elk Point to Sioux Falls city," and find the same correctly enrolled.

W. W. BROOKINGS, *Chairman.*

The select committee, appointed to consider council bill No. 45, reported as follows :

Mr. Gregory presented majority report.

COMMITTEE ROOMS, }
 April 15, 1862. }

MR. PRESIDENT :

The majority of the special committee, to whom was referred council bill No. 45, having had the same under consideration, report it back with amendments attached, and recommend its passage.

J. SHAW GREGORY, }
 D. T. BRAMBLE, } *Committee.*
 AUSTIN COLE, }

Mr. Stutsman, from the minority of the same committee, presented the following report :

YANKTON, April 15, 1862.

MR. PRESIDENT :

Your special committee, to whom was referred council bill No. 45, entitled "An Act defining the council and representative districts, and apportioning the representation thereof," have had the same under consideration.

Mr. Gregory moved the adoption of the amendments to said bill, reported by the minority of the committee on elections, which motion was sustained by Messrs. Gregory, Cole, and Bramble, and opposed by Messrs. Deuel and Stutsman.

While the undersigned minority do not concur in any of the amendments, recommended in the majority report, there is one in particular which we view with abhorrence, and to which we feel it to be our duty to offer an unyielding opposition, to wit:

"SECT. 8. All that portion of territory lying on Red river, including the settlements of Pembina and St. Joseph, shall constitute the seventh council district and representative district of Dakota, and shall be entitled to one council man, and two representatives in the legislative assembly of the territory."

The said minority would remind you of the fact, that the said Pembina and St. Joseph settlements (within this territory), are upon unceded Indian lands; and, therefore, all such white persons (with the exception of a few licensed traders), are, in law, trespassers upon the soil, and cannot be considered as citizens of this territory, in the legal acceptation of the term.

Hence, the undersigned minority of your said committee do most solemnly protest against the adoption of said amendment, believing, as we do, that no man, residing upon unceded Indian lands can, under the nature of the circumstances, be a legal voter of the territory, and if not a voter, has no right to hold a seat in the legislative assembly.

We would, therefore, report back the original bill without amendment, and recommend its passage.

All of which is respectfully submitted.

E. STUTSMAN,
J. DEUEL.

Council bill No. 49 taken up.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 9; noes 0. as follows:

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Cole, Deuel, Gregory, Stutsman, and president.

Bill passed, and title agreed to.

Council bill 45 taken up.

Mr. Bramble moved the adoption of the majority report.

Ayes and noes ordered.

Resulted ayes 6; noes 3, as follows:

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Cole, and Gregory.

Noes — Messrs. Deuel, Stutsman, and president.

Report adopted.

Mr. Betts offered the following amendment:

Amend council bill No. 45, by striking out all after the enacting clause, and inserting the following in lieu thereof:

"SECT. 1. That the next legislative assembly of the territory of Dakota, shall be composed of a council of thirteen members, and a

house of representatives of twenty-six members, apportioned as follows, to wit:

SECT. 2. The county of Cole shall constitute the first council, and first representative district, and shall be entitled to a representation of two members of the council, and three members of the house of representatives.

SECT. 3. The county of Clay shall constitute the second council, and the second representative district; and shall be entitled to a representation of four members of the council, and nine members of the house of representatives.

SECT. 4. The counties of Yankton and Jayne shall constitute the third council, and third representative district; and shall be entitled to a representation of two members of the council, and five members of the house of representatives.

SECT. 5. The counties of Bon Homme and Hutchinson shall constitute the fourth council, and the fourth representative district; and shall be entitled to a representation of two members of the council, and four members of the house of representatives.

SECT. 6. The counties of Charles Mix, Bruguire, Todd, and Gregory, shall constitute the fifth council, and the fifth representative district; and shall be entitled to a representation of one member of the council, and two members of the house of representatives.

SECT. 7. The counties of Minnehaha, Brookings, Lincoln, and Deuel, shall constitute the sixth council, and sixth representative district; and shall be entitled to a representation of one member of the council, and one member of the house of representatives.

SECT. 8. All that country bordering on the Red river of the North, and including the settlements at Pembina and St. Joseph, shall constitute the seventh council; and the seventh representative district; and shall be entitled to a representation of one member of the council, and two members of the house of representatives.

SECT. 9. The right to seats now occupied by members of the council shall in nowise be affected by the provisions of this act.

SECT. 10. This act shall take effect from and after its passage, and approval by the governor.

Ayes and noes ordered on the adoption of the amendment.

Resulted, ayes 2; noes 7, as follows:

Ayes — Messrs. Betts and Boyle.

Noes — Messrs. Bramble, Brookings, Cole, Deuel, Gregory, Stutsman, and president.

Motion lost.

On motion of Mr. Bramble, the bill was ordered engrossed for a third reading to-morrow.

The following message was received from the house:

HOUSE OF REPRESENTATIVES, }
April 15, 1862. }

MR. PRESIDENT:

SIR, — I have the honor of informing your honorable body, that

the house has concurred in and passed the following council bills, to wit:

Council bill No. 22: "A bill for an act to provide for the location of the county seats of the counties in this territory."

Also, council bill No. 29: "A bill for an act providing for the appointment of commissioners to take the acknowledgment of deeds and other instruments, and defining the duties thereof."

Also, council file No. 5: "A memorial to the secretary of the interior."

Also, council bill No. 27: "A bill for an act to create a lien for mechanics and others in certain cases," with accompanying amendments.

Also, council bill No. 25: "A bill for an act to provide for the office of notary public, and to define the duties of the same," with accompanying amendments. All of which I herewith return.

The house has also passed house file No. 50: "An Act to provide for recording deeds, mortgages, bonds, contracts, and agreements."

Also, house file No. 51: "An Act relative to fraudulent conveyances and contracts."

In all of which the concurrence of the council is respectfully requested.

J. R. HANSON, *Chief Clerk.*

Council bill No. 25, returned from the house with amendments. On motion, house amendments concurred in.

Council bill No. 27: "An Act to create a lien for mechanics and others," taken up, and

On motion, the house amendments were concurred in.

House file No. 50: "An Act to provide for the recording deeds, mortgages, bonds, contracts, and agreements," taken up.

Read first and second time, and

Referred to judiciary committee.

House file No. 51: "An Act relative to fraudulent conveyances and contracts."

Read first and second time, and

Referred to judiciary committee.

On motion of Mr. Stutsman, the council voted to go into committee of the whole two weeks from next Saturday (May 3), on the "state of the Union."

Mr. Bramble, from committee on territorial affairs, reported back council bill No 48, and recommended its passage.

Council bill No. 48: "An Act to incorporate the Old Settlers' Historic Association," taken up.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 8; noes 1, as follows:

Ayes — Messrs. Betts, Bramble, Brookings, Cole, Deuel, Gregory, Stutsman, and president.

Noes — Mr. Boyle.

Bill passed, and title agreed to.

Mr. Bramble moved that the judiciary committee be authorized to draft a justice code.

Motion lost.

On motion of Mr. Bramble, council adjourned at half past eleven, to meet to-morrow at ten, A. M.

J. H. SHOBER, *President*.

JAMES TUFTS, *Secretary*.

TWENTY-SEVENTH DAY.

COUNCIL CHAMBER, }
Wednesday, April 16, 1862. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names: Messrs. Betts, Boyle, Bramble, Brookings, Cole, Deuel, Gregory, Stutsman, and president.

Journal read and approved.

Mr. Bramble introduced council bill No. 32: "An Act creating alienation by deed of the proof, and recording of conveyances, and the cancelling of mortgages."

Read first and second time, and

Referred to committee on territorial affairs.

Mr. Bramble, from committee on territorial affairs, reported back house file No. 52, without recommendation.

Mr. Bramble, from committee on judiciary, reported back council bill No. 49, and recommended its passage.

Mr. Stutsman, from committee on elections, reported back house files Nos. 34, 35, 36, 37, 38, and 39, and recommended their passage.

On motion of Mr. Bramble, the committee on elections were instructed to report house file No. 40 back to the council.

Mr. Stutsman presented the following report:

April 16, 1862.

MR. PRESIDENT:

Your committee on elections have had under consideration house file No. 40, entitled "An Act to apportion the representation to the Red river district," and report the same back with the following amendment, to wit:

Strike out the whole of section 2, and insert in lieu thereof the following, to wit:—"This act shall take effect and be in force, so soon as the Indian title to said lands, embraced in said district, is extinguished, and the said district of country is open for white settlement."

And we respectfully recommend the adoption of said amendment, and the passage of the bill with said amendment.

E. STUTSMAN, }
J. DEUEL, } *Committee.*

Mr. Gregory presented the following minority report:

MR. PRESIDENT:

The minority of the committee on elections, having had house file No. 40 under consideration, report the same back to the council, and recommend its passage.

J. SHAW GREGORY.

Mr. Brookings presented the following report:

COMMITTEE ROOM, April 15, 1862.

MR. PRESIDENT:

Your committee on enrolled and engrossed bills beg leave to report, that they have examined council file No. 5: "Memorial to Secretary of the Interior for a portion of the fund appropriated by congress to assist emigrants to the Pacific."

Also, council bill No. 29: "An Act providing for the appointment of commissioners to take the acknowledgment of deeds and other instruments, and defining the duties thereof."

Also, council bill No. 22: "An Act to provide for the location of the county seats of the counties in this territory," and find the same correctly enrolled.

Also, council bill No. 45: "A bill for an act defining the council and representative districts, and apportioning the representation thereof," and find the same correctly engrossed.

W. W. BROOKINGS, *Chairman.*

Mr. Gregory, from committee on federal relations, reported back council file No. 9, without amendment.

Council bill No. 49: "An Act defining the manner of appointment, and duties of the clerks of the district courts," taken up, and Ordered engrossed for third reading to-morrow.

House file No. 52: "An Act authorizing the governor to appoint an emigrant agent," taken up, and

On motion, laid on the table.

Council file No. 9 taken up.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 7; noes 1, as follows:

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Cole, Gregory, and Stutsman.

Noes — Mr. Deuel.

Bill passed, title agreed to.

House file No. 40 taken up.

Mr. Stutsman moved the adoption of the majority report of the committee.

Ayes and noes ordered.

Resulted, ayes 3; noes 6, as follows:

Ayes — Messrs Deuel, Stutsman, and president.

Noes — Messrs. Betts, Boyle, Bramble, Brookings, Cole, and Gregory.*

Majority report rejected.

On motion the minority report was then adopted.

The bill read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 6; noes 3, as follows:

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Cole, and Gregory.

Noes — Messrs. Deuel, Stutsman, and president.

Bill passed, and title agreed to.

Mr. Shober introduced council bill No. 53: "An Act defining certain council and representative districts, and apportioning the representation thereof."

On motion the rules were suspended.

The bill read first, second, and third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 5; noes 4, as follows:

Ayes — Messrs. Cole, Deuel, Gregory, Stutsman, and president.

Noes — Messrs Betts, Boyle, Bramble, and Brookings.

Bill passed, and title agreed to.

The following message was received from the house:

HOUSE OF REPRESENTATIVES, }
April 16, 1862.

MR. PRESIDENT:

SIR, — I have the honor of informing your honorable body that the house of representatives has passed council bill No. 40: "A bill for an act to designate the time of holding the general election, and provide for the election of a delegate to the congress of the United States," and I herewith return the same.

Also, house file No. 53: "An Act to prevent swine from running at large."

Also, house file No. 57: "An Act to locate a territorial road."

Also, house file No. 59: "An Act to establish certain counties, and for other purposes."

J. R. HANSON, *Chief Clerk.*

The report of the committee on elections, concerning house files Nos. 34, 35, 36, 37, 38, and 39, was then taken up, and

On motion, the report, and the bills relating thereto, were laid upon the table.

Council bill No. 45 taken up, and
On motion, indefinitely postponed.

House file No. 52 taken up.
Read first and second time, and
Referred to committee on agriculture.

House file No. 57 taken up.
Read first and second time, and
Referred to committee on highways.

House file No. 59 taken up.
Read first and second time, and
Referred to committee on counties.

The council took a recess for half an hour.

The president resumed the chair, and, on motion, the council adjourned at 11 o'clock, to meet to-morrow at 10.

J. H. SHOBER, *President.*

JAMES TUFTS, *Secretary.*

TWENTY-EIGHTH DAY.

COUNCIL CHAMBER, }
Thursday, April 17, 1862. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names.

Messrs. Betts, Boyle, Brookings, Cole, Deuel, Gregory, Stutsman, and president.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
March 22, 1862. }

MR. PRESIDENT:

SIR, — I have to inform your honorable council, that the house of representatives has concurred in, and passed the following council bills:

Council bill No. 36: "A bill for an act to incorporate the town of Elk Point."

Also, council bill No. 38: "A bill for an act granting a ferry charter to M. M. Rich, across the Big Sioux river."

Also, council bill No. 41: "A bill for an act granting to Arthur C. Van Meter and his heirs, a charter to keep a ferry across the Vermilion river," all of which I herewith return.

The house has also passed house file No. 54: "An Act to provide for the recording of marks and brands of animals."

Also, house file No. 58: "A joint memorial and resolution relative to the protection of claims on the public lands of all volunteers in the United States service."

Also, house file No. 60: "An Act granting to Henry A. Kennerly and J. M. Allen, a charter to keep a ferry across the Missouri river, near the mouth of Crow creek in said territory."

In all of which the concurrence of the council is respectfully requested.

* J. R. HANSON, *Chief Clerk.*

Journal read and approved.

Mr. Deuel from committee on incorporations, reported back council bill No. 51, and recommended its passage.

Mr. Cole reported house file No. 59, from committee on counties, and recommended its passage.

Mr. Betts from committee on agriculture, reported house file No. 53, and recommended its passage.

Mr. Brookings reported the following:

MR. PRESIDENT:

Your committee, on enrolled and engrossed bills, beg leave to report, that they have examined council bill No. 27, "An Act to create a lien for mechanics and others in certain cases."

Also, council bill No. 25: "An Act to provide for the office of notary public," and to define the duties of the same.

Also, council bill No. 40: "An Act to designate the time of holding the general elections, and provide for the election of a delegate to the congress of the United States," and find the same correctly enrolled.

They have also examined council bill No. 49: "A bill for an act defining the manner of appointment and duties of the clerk of the district courts, and find the same correctly engrossed.

W. W. BROOKINGS, *Chairman.*

MR. PRESIDENT:

Your committee on enrolled bills, presented on the 16th day of April, council bills Nos. 5, 6, 21, 22, and 29, to His Excellency the governor, for his approval and signature.

W. W. BROOKINGS, *Chairman.*

Council bill No. 49: "A bill defining the manner of appointment and duties of the clerks of the district courts," taken up.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 8; noes 0, as follows:

Ayes — Messrs. Betts, Boyle, Brookings, Cole, Deuel, Gregory, Stutsman, and president.

Bill passed, title agreed to.

Council bill No. 51: "Bill for an act to provide for corporations for mining, manufacturing, lumbering, agricultural, mechanical, and chemical purposes," taken up.

Read a third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 6; noes 0, as follows:

Ayes — Messrs. Betts, Boyle, Brookings, Cole, Deuel, Gregory, Stutsman, and president.

Bill passed, and title agreed to.

House file No. 59: "An Act to establish certain counties, and for other purposes," taken up.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 6; noes 2, as follows:

Ayes — Messrs. Betts, Boyle, Brookings, Cole, Deuel, and Gregory.

Noes — Messrs. Stutsman and president.

Bill passed, and title agreed to

House file No 53: "An Act to prevent swine from running at large," taken up.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes, 7; noes 0, as follows:

Ayes — Messrs. Betts, Boyle, Brookings, Cole, Deuel, Gregory, and Stutsman.

Bill passed, and title agreed to.

House file No. 54: "An Act providing for recording marks and brands of animals."

Read first and second time, and referred to committee on agriculture.

House file No. 58: "Joint memorial and resolution relative to the protection of claims of United States soldiers," taken up.

Read first and second time, and referred to committee on military affairs.

House file No. 60: "An Act granting Henry A. Kennerly and J. M. Allen a charter to keep a ferry across the Missouri river, near the mouth of Crow creek, in said territory," taken up.

Read first and second times, and referred to committee on highways.

On motion, council bill No. 32: "Bill for an act to protect persons holding claims on the public lands," was taken from the table and recommitted to a select committee of three.

The chair appointed as such select committee: Messrs. Stutsman, Boyle, and Brookings.

The council here took a recess for half an hour.

The president resumed the chair.

Mr. Brookings presented the following report:

MR. PRESIDENT:

Your committee on enrolled bills, have examined house files Nos. 9, 16, 15, 29, and 28, and find them correctly enrolled.

W. W. BROOKINGS, *Chairman*.

On motion of Mr. Stutsman, Mr. Bramble was excused from attendance, on account of illness.

Mr. Gregory, from committee on military affairs, reported back to the council house file No. 58: "A memorial and joint resolution relative to the protection of claims on the public lands of all volunteers in the United States service," and recommended its indefinite postponement.

On motion of Mr. Stutsman, the report of the committee was adopted, and the bill indefinitely postponed.

The following message was received from the house:

HOUSE OF REPRESENTATIVES, }
April 17, 1862. }

MR. PRESIDENT:

I am instructed by the house of representatives to inquire of your honorable council, what disposition has been made by your body, of house files Nos. 34, 35, 36, 37, 38, and 39.

J. R. HANSON, *Chief Clerk*.

Mr. Stutsman introduced the following resolution, which was adopted:

Resolved, That the committee on finance be instructed to inquire of the Hon. John Hutchinson, secretary of the territory of Dakota, the amount of the appropriation made by congress for legislative purposes for this territory. And also, the amount now expended, and for what expended. And whether or no, pocket-knives are considered stationery to be furnished to the members of

the legislative assembly. And to request that the territorial secretary place a reasonable amount of legal cap, foolscap, note, and wrapping paper; also, pens, and large and small envelopes, on the table of each member of the legislative assembly, at least twice a week.

On motion of Mr. Betts, council adjourned at 12 o'clock, M., to meet to-morrow at 10.

JAMES TUFTS, *Secretary.*

J. H. SHOBER, *President.*

TWENTY-NINTH DAY.

COUNCIL CHAMBER, }
Friday, April 18, 1862. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names: Messrs. Betts, Boyle, Bramble, Brookings, Cole, Deuel, Gregory, Stutsman, and president.

Journal read and approved.

The following message was received from the house:

HOUSE OF REPRESENTATIVES, }
April 18, 1862. }

MR. PRESIDENT:

SIR, — I have the honor of informing your honorable body, that the house of representatives has concurred in and passed the following council bills, to wit:

Council bill No. 30: "A bill for an act to adopt and establish a criminal code for the Territory of Dakota."

Also, council bill No. 53: "An Act defining certain council and representative districts, and apportioning the representation thereof," with attached amendment.

Both of which bills I herewith return.

J. R. HANSON, *Chief Clerk.*

Mr. Bramble, from the committee on highways, reported back house file No. 60, without recommendation.

Mr. Betts, from committee on agriculture, reported back house file No. 54, and recommended its passage without amendment.

Mr. Brookings reported as follows:

MR. PRESIDENT:

Your committee on enrolled bills, have examined house files Nos. 40, 44, 48, and 21, and find them correctly enrolled.

Your committee presented on the 17th day of April, council bills Nos. 25, 27, and 40, to His Excellency the governor, for his approval and signature.

W. W. BROOKINGS, *Chairman.*

Mr. Gregory, from committee on federal relations, reported back council file No. 8, and recommended its passage with the amendment thereto attached.

Mr. Stutsman, from special committee appointed to consider council bill No. 32, reported the same back to the council, and recommended its passage with the accompanying amendment.

House file No. 60: "An Act granting to Henry A. Kennedy and J. M. Allen a charter to keep a ferry across the Missouri rivers near the mouth of Crow creek in said territory," taken up.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 8; noes 0, as follows:

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Cole, Deuel, Gregory, and Stutsman.

Bill passed, and title agreed to.

House file, No. 54: "An Act to provide for the recording of marks and brands of animals," taken up.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 8; noes 0, as follows:

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Cole, Deuel, Gregory, and Stutsman.

Bill passed, and title agreed to.

Council file No. 8: "Memorial to the senate and house of representatives of the United States, requesting the tax due from the Territory of Dakota to the general government, to be paid out of the legislative fund of Dakota."

On motion, the amendment reported by the committee was adopted.

The bill was then read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 8; noes 0, as follows:

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Cole, Deuel, Gregory, and Stutsman.

Bill passed, and title agreed to.

Council bill No. 32: "Bill for an act to protect persons holding claims on the public lands."

On motion, the amendment reported by committee was adopted, and

The bill ordered engrossed for third reading to-morrow.

Council concurred in house amendments to council bill No. 53: "An Act defining certain council and representative districts, and apportioning the representation thereof."

On motion of Mr. Stutsman, the council adjourned at 11 o'clock, to meet to-morrow at 10.

JAMES TUFTS, *Secretary.*

J. H. SHOBER, *President.*

THIRTIETH DAY.

COUNCIL CHAMBER, }
Saturday, April 19, 1862. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names: Messrs. Betts, Boyle, Bramble, Brookings, Cole, Deuel, Gregory, Stutsman, and president.

Journal read and approved.

Mr. Brookings introduced council bill No. 54: "Bill for an act defining the third judicial district."

Read first and second time, and

Referred to committee on judiciary.

Also, council bill No. 55: "Bill for an act conferring the right of citizenship on Charles F. Picotte."

Read first and second time, and

Referred to committee on judiciary.

Mr. Shober introduced the following bills:

Council bill No. 56: "To provide for offences against the public health."

Read first and second time, and

Referred to committee on judiciary.

Also, council bill No. 57: "To incorporate Yankton Lodge, No. 1, of Free and Accepted Masons."

Read first and second time, and

Referred to committee on corporations.

Also, council bill No. 58: "An Act to incorporate the town of Springfield in Bon Homme county."

Read first and second time, and
Referred to committee on corporations.

Mr. Bramble introduced council bill No. 59: "Bill for an act regulating marriages."

On motion, the rules were suspended, the bill read first, second, and third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 9; noes 0, as follows:

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Cole, Deuel, Gregory, Stutsman, and president.

Bill passed, and title agreed to.

Mr. Bramble introduced council bill No. 60: "An Act concerning wills of real and personal property."

Read first and second time, and

Referred to committee of whole for Tuesday next (April 22), at half past eleven.

Mr. Bramble, from committee on territorial affairs, reported back house file No. 57, and recommended its passage

Mr. Brookings reported as follows:

MR. PRESIDENT:

Your committee, on engrossed and enrolled bills, have examined council bill No. 41, "An Act granting Arthur C. Van Meter a ferry across the Vermilion river."

Also, council bill No. 38: "An Act granting to M. M. Rich a ferry charter across the Big Sioux," and find the same correctly enrolled.

Also, council bill No. 32: "A bill protecting claims on the public lands," and find the same correctly engrossed.

Also, council bill No. 53: "An Act defining certain council and representative districts, and apportioning the representation thereof," and find the same correctly enrolled.

W. W. BROOKINGS, *Chairman.*

Council bill No. 32: "Bill for an act to protect persons holding claims on the public lands," taken up.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 9; noes 0, as follows:

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Cole, Deuel, Gregory, Stutsman, and president.

Bill passed, and title agreed to.

House file No. 57: "Bill to locate a territorial road," taken up.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 9; noes 0, as follows:

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Cole, Deuel, Gregory, Stutsman, and president.
Bill passed, and title agreed to.

On motion of Mr. Bramble, the chair appointed Messrs. Boyle, Brookings, and Betts, select committee to prepare justices' code.

Mr. Stutsman introduced council file No. 10: "Joint resolution."

On motion, the rules were suspended, joint resolution read first, second, and third time, and put upon its passage.

Ayes and *noes* ordered.

Resulted, *ayes* 9; *noes* 0, as follows:

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Cole, Deuel, Gregory, Stutsman, and president.

On motion of Mr. Betts, the council adjourned at half past eleven o'clock.

J. H. SHOBER, *President*.

JAMES TUFTS, *Secretary*.

THIRTY-FIRST DAY.

COUNCIL CHAMBER, }
Monday, April 21, 1862. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names: Messrs Boyle, Bramble, Brookings, Cole, Deuel, Gregory, Stutsman, and president.

Journal read and approved.

Mr. Bramble introduced council bill No. 61: "A bill for an act concerning letters testamentary, and other proceedings on the probate of a will."

Read first and second time, and

Referred to committee on territorial affairs.

Also, council bill No. 62: "A bill for an act to define the judicial districts of the territory, and assign the judges thereto."

Read first and second time, and

Referred to committee on judiciary.

Mr. Shober introduced council bill No. 93: "An Act to provide a remedy for forcible entries and unlawful detainers."

Read first and second time, and

Referred to judiciary committee.

Mr. Bramble, from judiciary committee, reported back council bill No. 56, and recommended its passage without amendment.

Mr. Deuel, from committee on incorporations, reported back council bills Nos. 57 and 58, and recommended their passage without amendment.

Mr. Brookings, from committee on enrolled bills, reported as follows:

MR. PRESIDENT:

Your committee on enrolled bills presented, on the 19th day of April, council bill No. 41: "An Act granting a ferry charter to A. C. Vanmeter across the Vermilion river."

Also, council bill No. 38: "An Act granting a ferry charter to M. M. Rich across the Big Sioux river."

Also, council bill No. 53: "An Act defining certain council and representative districts, and apportioning the representation thereof," to His Excellency the governor for his approval and signature.

W. W. BROOKINGS, *Chairman*.

The following message was received from the house:

HOUSE OF REPRESENTATIVES, }
April 21, 1862. }

MR. PRESIDENT:

I have the honor of informing your honorable body that the following bills have passed the house of representatives:

Council bill No. 43: "An Act granting to William P. Lyman and John M. Patterson, and their heirs, a charter to keep a ferry across the Missouri river," with attached amendment.

Also, house file No. 63: "An Act granting to C. M. Cooper and R. M. Johnson, and their heirs, a charter to a ferry across the Missouri."

Also, house file No. 56: "An Act to establish a code of civil procedure for the Territory of Dakota."

In all of which the concurrence of the council is respectfully requested.

J. R. HANSON, *Chief Clerk*.

Council bill No. 56: "An Act to provide for offences against the public health," taken up.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 7; noes 0, as follows:

Ayes—Messrs. Boyle, Bramble, Brookings, Cole, Gregory, and president.

Bill passed, and title agreed to.

Council bill No. 57: "An Act to incorporate Yankton Lodge, No. 1, of Free and Accepted Masons," taken up.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 7; noes 0, as follows:

Ayes — Messrs. Boyle, Bramble, Brookings, Deuel, Gregory, Stutsman, and president.

Bill passed, and title agreed to.

Council bill No. 58: "An Act to incorporate the town of Springfield, in the county of Bon Homme," taken up.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 8; noes 0, as follows:

Ayes — Messrs. Boyle, Bramble, Brookings, Cole, Deuel, Gregory, Stutsman, and president.

Bill passed, and title agreed to.

Council concurred in house amendments to council bill No. 43.

House file No. 63: "An Act granting to C. M. Cooper and R. M. Johnson, and their heirs, a charter to keep a ferry across the Missouri."

Read first and second time, and

Referred to committee on highways, &c.

House file No. 56: "A bill for an act to provide a code of civil procedure."

Read first and second time, and

Referred to committee of the whole, for next Thursday at 10 o'clock.

Council took a recess for half an hour.

President resumed the chair.

Mr. Bramble, from judiciary committee, reported back council bill No. 55, and recommended its passage, without amendment.

Also, house file No. 51, with the recommendation that it do not pass.

Council bill No. 55: "A bill for an act conferring the right of citizenship upon Charles F. Picotte," taken up.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 6; noes 0, as follows:

Ayes — Messrs. Bramble, Brookings, Cole, Deuel, Gregory, and president.

Bill passed, and title agreed to.

House file No. 51: "An Act relative to fraudulent conveyances and contracts," taken up, and

On motion, laid on the table.

On motion of Mr. Bramble, the council adjourned at eleven o'clock, A. M.

J. H. SHOBER, *President.*

JAMES TUFTS, *Secretary.*

THIRTY-SECOND DAY.

COUNCIL CHAMBER, }
Tuesday, April 22, 1862. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names: Messrs. Boyle, Bramble, Brookings, Cole, Deuel, Gregory, Stutsman, and president.

Journal read and approved.

Mr. Stutsman gave notice "of a bill, providing for a code of school laws."

Also, "of a bill, providing for a code of road laws."

Mr. Bramble introduced council bill No. 64: "Bill for an act concerning the administration and distribution of the estates of intestates."

Read first and second time, and

Referred to committee on territorial affairs.

Also, council bill No. 65: "Bill for an act to authorize certain officers to administer oaths and affirmations in all cases."

Read first and second time, and

Referred to committee on judiciary affairs.

Mr. Boyle introduced council bill No. 66: "Bill for an act to prohibit slavery or involuntary servitude in the Territory of Dakota."

Read first and second time, and

Referred to special committee, consisting of Messrs. Stutsman, Boyle, and Cole.

Mr. Shober introduced council bill No. 67: "Bill for an act to provide for proceedings for collection of damages against boats and vessels."

Read first and second time, and

Referred to judiciary committee.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
April 22, 1862.

MR. PRESIDENT:

SIR, — I have the honor of informing your honorable body, that the following bills have passed the house of representatives:

Council bill No. 37: "A bill for an act to provide for surveying, platting, and recording towns and cities."

Also, council bill No. 51: "A bill for an act to provide for corporations for manufacturing, mining, lumbering, agricultural, mechanical, and chemical purposes."

Also, council bill No. 49: "A bill, for an act defining the manner of appointment, and duties of the clerks of the district courts, with attached amendments."

All of which bills I herewith return.

The house has also passed house file No. 62: "An Act granting to Joseph Lemay the right to establish, and maintain a ferry across the Pembina river."

In all of which, the concurrence of the council is respectfully requested.

J. R. HANSON, *Chief Clerk.*

Mr. Bramble, from committee on judiciary, reported back house file No. 22, without recommendation.

Also, council bill No. 62, and recommended its passage without amendment.

Mr. Deuel, from committee on incorporations, reported back council bill No. 50, and recommended its passage without amendment.

Mr. Bramble, from committee on highways, &c., reported back house file No. 63, and recommended its passage.

Mr. Bramble, from committee on territorial affairs, reported back house file No. 50, and recommended its passage without amendment.

Also, council bills Nos. 52 and 61, and recommended their passage with amendments thereto attached.

Mr. Brookings reported as follows:

MR. PRESIDENT:

Your committee on enrolled bills, have examined council bill No. 36: "An Act to incorporate the town of Elk Point."

Also, council bill No. 43: "An Act granting to William P. Lyman and John M. Patterson, a ferry charter across the Missouri river," and find them correctly enrolled.

W. W. BROOKINGS, *Chairman.*

Council bill No. 62: "Bill for an act to define the judicial districts of the territory, and assign the judges thereto," taken up, and
On motion of Mr. Brookings, postponed till Thursday next.

House file No. 22: "Bill for an act to exempt certain property from mesne process, and levy of execution," taken up, and
On motion of Mr. Stutsman, postponed till Thursday next.

Council bill No. 50: "Bill for an act for the formation of cemetery associations," taken up.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 8; noes 0, as follows:

Ayes — Messrs. Boyle, Bramble, Brookings, Cole, Deuel, Gregory, Stutsman, and president.

Bill passed, title agreed to.

House file No. 63: "Bill granting to C. M. Cooper and R. M. Johnson, and their heirs, a charter to keep a ferry across the Missouri river," taken up.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 8; noes 0, as follows:

Ayes — Messrs. Boyle, Bramble, Brookings, Cole, Deuel, Gregory, Stutsman, and president.

Bill passed, title agreed to.

House file No. 50: "Bill for an act to provide for recording deeds, mortgages, bonds, contracts, and agreements," taken up.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 8; noes 0, as follows:

Ayes — Messrs. Boyle, Bramble, Brookings, Cole, Deuel, Gregory, Stutsman, and president.

Bill passed, title agreed to.

Council bill No. 52 taken up.

Amendment reported by committee adopted.

Bill ordered engrossed for third reading to-morrow.

Council bill No. 61 taken up.

Amendment reported by committee adopted.

Bill ordered engrossed for third reading to-morrow.

Council bill No. 49: "Bill defining the manner of appointment and duties of the clerks of the district courts," taken up, and

On motion, house amendments concurred in.

House file No. 62: "Bill granting to Joseph Lemay the right to keep a ferry across the Pembina river."

Read first and second time, and

Referred to committee on highways, &c.

Council here resolved itself into a committee of the whole, to take into consideration council bill No. 60.

Mr. Brookings in the chair.

After spending some time therein the committee rose, and reported through their chairman the bill back to the council with accompanying amendments, and recommended their adoption.

On motion, the report of the committee was adopted, and The bill ordered engrossed for third reading to-morrow.

On motion of Mr. Stutsman, the council adjourned at 12, M.

J. H. SHOBER, *President.*

JAMES TUFTS, *Secretary.*

THIRTY-THIRD DAY,

COUNCIL CHAMBER,
Wednesday, April 23, 1862. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names: Messrs. Boyle, Bramble, Brookings, Cole, Deuel, Gregory, Stutsman, and president.

Journal read and approved.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
April 23, 1862 }

MR. PRESIDENT:

SIR,— I have the honor of informing your honorable body, that the following bills have passed the house of representatives:

Council bill No. 9: "A memorial to the president of the United States, praying for the establishment of a military post at Sioux Falls city."

Also, council bill No. 47: "A bill for an Act for the protection of game," with accompanying amendments.

And I herewith return the same.

J. R. HANSON, *Chief Clerk.*

Mr. Bramble, from judiciary committee, reported back council bill No. 63, and recommended it be recommitted to the committee of the whole.

Also, council bill No. 65, and recommended its passage.

Mr. Bramble, from committee on highways, reported back house file No. 62, and recommended its passage without amendment.

Mr. Bramble, from committee on territorial affairs, reported back council bill No. 64, and recommended its passage, with the amendments thereto attached.

Mr. Brookings presented the following:

MR. PRESIDENT:

Your committee on engrossed bills, have examined council bill No. 52: "An act concerning alienation by deed," &c.

Also, council bill No. 61: "An Act concerning letters testamentary, and other proceedings in relation to probate of wills," and find them correctly engrossed.

Your committee presented to His Excellency the governor, on the twenty-second day of April, for his approval and signature, council bill No. 36: "An Act to incorporate the town of Elk Point."

Also, council bill No. 43: "An Act granting to W. P. Lyman, and John M. Patterson, a ferry charter across the Missouri river."

Your committee have also examined council bill No. 37: "A bill for an act to provide for surveying, platting, and recording towns and cities, and find the same correctly enrolled.

W. W. BROOKINGS, *Chairman.*

Council bill No. 52: "A bill for an act creating alienation by deed of the proof and recording of conveyances, and the canceling of mortgages."

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 8; noes 0, as follows:

Ayes — Messrs. Boyle, Bramble, Brookings, Cole, Deuel, Gregory, Stutsman, and president.

Bill passed, and title agreed to.

Council bill No. 61: "Bill for an act concerning letters testamentary, and other proceedings on the probate of a will," taken up.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 8; noes 0, as follows:

Ayes — Messrs. Boyle, Bramble, Brookings, Cole, Deuel, Gregory, Stutsman, and president.

Bill passed, and title agreed to.

Council bill No. 63 taken up, report of committee adopted, and bill recommitted to committee of the whole.

Council bill No. 65 taken up. Mr. Stutsman moved to amend, by adding to section first the words: "And all other officers authorized by law."

Amendment adopted, and bill ordered engrossed for third reading to-morrow.

House file No. 62: "Bill for an act granting to Joseph Lemay the right to keep a ferry across the Pembina river," taken up.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 6; noes 2, as follows:

Ayes — Messrs. Boyle, Bramble, Brookings, Cole, Deuel, and Gregory.

Noes — Messrs. Stutsman and president.

Bill passed, and title agreed to.

Council bill No. 64 taken up, amendment reported by committee adopted, and bill ordered engrossed for third reading to-morrow.

Council bill No. 47: "Bill for an act for the protection of game."

On motion of Mr. Bramble, the council refused to concur in the house amendments.

The council here resolved itself into committee of the whole, to consider council bill No. 63.

Mr. Brookings in the chair.

After spending some time therein, the committee rose and reported, through their chairman, the bill back to the council with amendments, and recommended their adoption.

The amendments reported by the committee were then adopted, and the bill ordered engrossed for third reading to-morrow.

On motion of Mr. Bramble, council adjourned at 12, M.

J. H. SHOBER, *President*.

JAMES TUFTS, *Secretary*.

THIRTY-FOURTH DAY.

COUNCIL CHAMBER, }
Thursday, April 24, 1862. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names: Messrs. Betts, Bramble, Brookings, Cole, Deuel, Gregory, Stutsman, and president.

Journal read and approved.

The following message was received from the house:

HOUSE OF REPRESENTATIVES, }
April 24, 1862. }

MR. PRESIDENT:

I have the honor of informing your honorable council, that the house of representatives has concurred in and passed the following council bills:

Council bill No. 34: "A bill for an act to organize and discipline the militia."

Also, council bill No. 32: "A bill for an act to protect persons holding claims on public lands."

Also, council file No. 10: "A joint resolution."

Also, council bill No. 59: "A bill for an act regulating marriages, with attached amendments."

Also, council bill No. 48: "An Act to incorporate the 'Old Settlers Historical Association,'" with accompanying amendments.

All of which I herewith return.

The house has also passed the following house bills:

House file No. 46: "An Act to divide the Territory of Dakota into judicial districts, assign judges to the same, and fixing the time of holding courts in each."

Also, house file No. 65: "An Act for the regulation of county jails."

Also, house file No. 66: "A memorial to congress praying for the construction of a fort in the valley of the Red river of the North."

Also, house file No. 67: "An Act to provide for the fees of road commissioners."

Also, house file No. 71: "An Act regulating the duties of surveyors having charge of territorial roads."

Also, house file No. 32: "An Act prescribing the manner of conducting elections, of the canvass, and return of the same."

In all of which the concurrence of the council is respectfully requested.

J. R. HANSON, *Chief Clerk.*

Mr. Deuel gave notice of a bill for the formation and regulation of religious societies.

Mr. Boyle gave notice of a bill defining the jurisdiction of justices of the peace in criminal cases, and of the proceedings thereon.

Mr. Brookings introduced council bill No. 68, "Relating to resignations, vacancies, removals, and the supplying of vacancies."

Read first and second time, and

Referred to committee on territorial affairs.

Mr. Shober introduced council bill No. 69: "To provide for trials in certain cases before justices of the peace."

Read first and second time, and

Referred to judiciary committee.

Mr. Cole introduced council bill No. 71: "A bill conferring the right of citizenship upon certain persons in this territory."

Read first and second time, and

Referred to committee on elections.

Mr. Bramble, from committee on judiciary, reported back council bill No. 67, and recommended its passage.

Mr. Stutsman, from finance committee, presented the following communication from the secretary of the territory :

SECRETARY'S OFFICE, }
Yankton, April 21, 1862.

GENTLEMEN OF THE COUNCIL:

In reply to your resolution of date, April 17, instructing your committee on finance to inquire of me "the amount of the appropriation made by congress for legislative purposes for this territory, and also the amount now expended, and for what expended," &c., I have to say that I am directed by the Treasury Department to make up my account and report to the department at the end of the present session of the legislative assembly ; and that I shall not be able to give a full report of the expenditures until that time.

I would say, however, for the information of the council, that the amount appropriated by congress for legislative purposes for this territory for the fiscal year ending June 30, 1862, is twenty thousand dollars, and the same amount for the year ending June 30, 1863, as I am unofficially informed.

And I would further say, that the amount now paid out by me is about six thousand dollars.

You also inquire, "Whether pocket-knives are considered stationery, to be furnished to the members of the legislative assembly?" and in reply to this inquiry I would say, that pocket-knives are not by me considered stationery.

And I have to say in reply to the request made to furnish stationery, I shall be pleased to comply with your request so far as practicable.

I am, very truly,

Your obedient servant,

JOHN HUTCHINSON, *Secretary.*

Mr. Brookings presented the following reports :

MR. PRESIDENT :

Your committee on enrolled bills have examined council bill No. 30 : "An Act to adopt and establish a criminal code for the Territory of Dakota."

Also, council bill No. 49 : "An Act defining the manner of appointment and duties of district clerks."

Also, council file No. 9 : "Memorial asking for the establishment of a military post at Sioux Falls," and find them correctly enrolled.

W. W. BROOKINGS, *Chairman.*

MR. PRESIDENT :

Your committee on engrossed and enrolled bills have examined council bills Nos. 65, 63, 60, 67, and 64, and find them correctly engrossed.

Also, house files Nos. 60, 57, 53, 54, and 59, and find them correctly enrolled.

Also, your committee presented to His Excellency the governor, for his approval and signature, on the 23d day of April, council bill No. 37, "An Act to provide for the surveying and platting of towns."

W. W. BROOKINGS, *Chairman.*

Mr. Stutsman, from special committee to whom was referred council bill No. 66, reported the same back to the council, recommending its passage, with an attached amendment.

Council bill No. 60: "An Act concerning wills of real and personal property," taken up.

Read a third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 8; noes 0, as follows:

Ayes — Messrs. Boyle, Bramble, Brookings, Colè, Deuel, Gregory, Stutsman, and president.

Bill passed, and title agreed to.

Council bill No. 63: "An Act to provide a remedy for forcible entries and unlawful detainers," taken up.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 7; noes 1, as follows:

Ayes — Messrs. Boyle, Bramble, Brookings, Cole, Deuel, Gregory, and Stutsman.

Noes — Mr. president.

Bill passed, and title agreed to.

Council bill No. 64: "An Act creating the administration and distribution of the estates of intestates," taken up.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 8; noes 0, as follows:

Ayes — Messrs. Boyle, Bramble, Brookings, Cole, Deuel, Gregory, Stutsman, and president.

Bill passed, and title agreed to.

Council bill No. 65: "An Act to authorize certain officers to administer oaths and affirmations in all cases," taken up.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 8; noes 0, as follows:

Ayes — Messrs. Boyle, Bramble, Brookings, Cole, Deuel, Gregory, Stutsman, and president.

Bill passed, and title agreed to.

Council bill No. 67: "Bill to provide for proceedings for the collection of demands against boats and vessels," taken up.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 8; noes 0, as follows:

Ayes—Messrs. Boyle, Bramble, Brookings, Cole, Deuel, Gregory, Stutsman, and president.

Bill passed, and title agreed to.

Council bill No. 66: "Bill to prohibit slavery, or involuntary servitude, in the territory of Dakota.

Mr. Bramble moved the bill be laid upon the table.

Ayes and noes ordered.

Resulted, ayes 3; noes 5, as follows:

Ayes—Messrs. Bramble, Brookings, and Gregory.

Noes—Messrs. Boyle, Cole, Deuel, Stutsman, and president.

Motion lost.

Question recurring upon the adoption of the amendment reported by the committee.

Ayes and noes ordered.

Resulted, ayes 4; noes 4, as follows:

Ayes—Messrs. Cole, Deuel, Stutsman, and president.

Noes—Messrs. Boyle, Bramble, Brookings, and Gregory.

Amendment lost.

Mr. Bramble moved the bill be indefinitely postponed.

Ayes and noes ordered.

Resulted, ayes 4; noes 3, as follows:

Ayes—Messrs. Bramble, Deuel, Stutsman, and president.

Noes—Messrs. Boyle, Brookings, and Gregory.

Carried.

Bill indefinitely postponed.

Council bill No. 48 taken up, and

On motion, the house amendments concurred in.

Council bill No. 59 taken up, and

On motion, the house amendments concurred in.

House file No. 32 taken up.

Read first and second time, and

Referred to committee on elections.

House file No. 46 taken up.

Read first and second time, and

Referred to committee on territorial affairs.

House file No. 65 taken up.

Read first and second time, and

Referred to committee on counties.

House file No. 66 taken up.

Read first and second time, and

Referred to committee on military affairs.

House file No. 67 taken up.
Read first and second time, and
Referred to committee on highways.

House file No. 71 taken up.
Read first and second time, and
Referred to committee on highways.

Council bill No. 62 taken up, and
On motion, recommitted to committee on territorial affairs.

House file No. 22: "Bill to exempt certain property from mesne process and levy of execution," taken up, and
On motion, indefinitely postponed.

Council here resolved itself into committee of the whole,
Mr. Brookings in the chair,
'To take into consideration house file No. 56.

After spending some time therein, the committee rose and reported progress, and asked leave to sit again on Saturday next, at half past ten.

Granted.

The chair appointed Messrs. Stutsman, Deuel, and Boyle, joint committee pursuant to joint resolution, council file No. 10.

The following message was received from the governor:

YANKTON, EXECUTIVE OFFICE, }
April 22, 1862. }

TO THE COUNCIL:

GENTLEMEN,—I have signed and approved council bills with the following titles, namely:

Council bill No. 5: "A memorial to the Hon. Secretary of the Interior, for a portion of the fund appropriated by congress to assist emigrants to the Pacific."

Council bill No. 6: "A memorial for a mail route from Elk Point to Sioux Falls city."

Council bill No. 21: "An Act granting ferry charter across the Missouri river."

Council bill No. 23: "An Act granting George C. Granger, his heirs, &c., a ferry charter across the Missouri river."

Council bill No. 25: "An Act to provide for the office of notary public, and to define the duties of the same."

Council bill No. 29: "An Act providing for the appointment of commissioners to take the acknowledgment of deeds and other instruments, and defining the duties thereof."

Council bill No. 38: "An Act granting a ferry charter to M. M. Rich, across the Big Sioux river."

Council Bill No. 48: "An Act to designate the time of holding the general elections, and providing for the election of a delegate to the congress of the United States."

Council Bill No. 41: "An Act granting to Arthur C. Van Meter and his heirs, a charter to keep a ferry across the Vermilion river.
W. JAYNE, *Governor.*

On motion, the council adjourned at 12 o'clock.

J. H. SHOBER, *President.*

JAMES TUFTS, *Secretary.*

THIRTY-FIFTH DAY.

COUNCIL CHAMBER, }
Friday, April 25, 1862. }

Council met pursuant to adjournment.

President in the chair.

Roll called.

The following members answered to their names: Messrs. Boyle, Bramble, Brookings, Cole, Deuel, Gregory, Stutsman, and president.

Journal read and approved.

The following message was received from the house:

HOUSE OF REPRESENTATIVES, }
April 25, 1862. }

MR. PRESIDENT:

I have the honor of informing your honorable body, that the following council bills have passed the house of representatives:

Council bill No. 57: "An Act to incorporate Yankton Lodge, No. 1, of Free and Accepted Masons."

Also, council bill No. 55: "A bill for an act conferring the right of citizenship on Charles F. Picotte."

Also, council bill No. 58: "An Act to incorporate the town of Springfield, in the county of Bon Homme."

Also, council bill No. 44: "A bill for an act to define the rights of persons who are accused of crimes and offences," with attached amendments.

Also, council bill No. 39: "A bill for an act to designate the time of the meeting of the legislature, and define the duties of the same," with attached amendments.

Also, council bill No. 56: "An Act to provide for offences against the public health," with attached amendment to title.

All of which bills I herewith return.

The house has also passed house file No. 64: "An Act regulating the rate of interest," and the concurrence of the council therein is respectfully requested.

I have also to inform you that the house adheres to its amendments to council bill No. 47, and I herewith return the same.

J. R. HANSON, *Chief Clerk.*

Mr. Brookings introduced council bill No. 72: "A bill for an act regulating the observance of the Lord's day, commonly called the Sabbath."

Read first and second time, and
Referred to committee on education.

Mr. Deuel introduced council bill No. 73: "A bill to form and regulate religious societies.

Read first and second time, and
Referred to committee on corporations.

Mr. Bramble, from judiciary committee, reported back council bill No. 69, and recommended its passage.

Mr. Gregory, from committee on military affairs, reported back house file No. 66, and recommended its passage.

Mr. Bramble, from committee on highways, reported back house file No. 71, and recommended its passage, with attached amendment.

Also, house file No. 67, and recommended its passage.

Mr. Cole, from committee on counties, reported back house file No. 65, and recommended its passage without amendment.

Mr. Bramble, from committee on territorial affairs, reported back council bills Nos. 46 and 62, recommending their passage without amendment.

Also, council bill No. 68, with the recommendation that it be made the special order for the fourth day of July next.

Also, house file No. 46, with the recommendation that it be transmitted back to the house of representatives for engrossment.

Mr. Brookings presented the following:

MR. PRESIDENT:

Your committee on enrolled bills presented, on the 24th day of April, to His Excellency the governor for his approval and signature, council file No. 9: "A memorial for a military post at Sioux Falls."

Also, council bill No. 30: "An Act to adopt a criminal code."

Also, council bill No. 49: "An Act defining the manner of appointment and the duties of clerks of the district courts."

W. W. BROOKINGS, *Chairman.*

Council bill No. 69: "A bill to provide for trials in certain cases before justices of the peace," taken up.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 8; noes 0, as follows:

Ayes — Messrs. Boyle, Bramble, Brookings, Cole, Deuel, Gregory, Stutsman, and president.

Bill passed, title agreed to.

House file No. 66: "A memorial to congress praying for the construction of a fort in the valley of the Red river of the North," taken up.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 8; noes 0, as follows:

Ayes — Messrs. Boyle, Bramble, Brookings, Cole, Deuel, Gregory, Stutsman, and president.

Bill passed, and title agreed to.

House file No. 71: "Bill regulating the duties of surveyors, having charge of territorial roads."

Amendments reported by committee adopted.

Bill read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 7; noes 1, as follows:

Ayes — Messrs. Boyle, Bramble, Cole, Deuel, Gregory, Stutsman, and president.

Noes — Mr. Brookings.

Bill passed, and title agreed to.

House file No. 67: "Bill to provide for the fees of road commissioners," taken up.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 7; noes 1, as follows:

Ayes — Messrs. Boyle, Bramble, Cole, Deuel, Gregory, Stutsman, and president.

Noes — Mr. Brookings.

Bill passed, and title agreed to.

House file No. 65: "Bill for the regulation of county jails," taken up.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 8; noes 0, as follows:

Ayes — Messrs. Boyle, Bramble, Brookings, Cole, Deuel, Gregory, Stutsman, and president.

Bill passed, and title agreed to.

Council bill No. 46: "Bill to regulate the weights and measures of this territory," taken up.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 8; noes 0, as follows:

Ayes — Messrs. Boyle, Bramble, Brookings, Cole, Deuel, Gregory, Stutsman, and president.
Bill passed, and title agreed to.

Council bill No. 62: "Bill to define the judicial districts of the territory, and assign the judges thereto," taken up.

Mr. Stutsman offered the following amendment, which was adopted:

"SECT. 3. Between the words Bon Homme and Todd, insert the word Hutchinson."

Bill ordered engrossed for third reading to-morrow.

House file No. 46: "Bill to divide the territory into judicial districts, and assign judges thereto, taken up.

Mr. Bramble moved the report of committee be adopted.

Ayes and *noes* ordered.

Resulted, *ayes* 6; *noes* 2, as follows:

Ayes — Messrs. Boyle, Bramble, Cole, Deuel, Stutsman, and president.

Noes — Messrs. Brookings and Gregory.

Report adopted, and bill ordered to be returned to the house for engrossment.

Council bill No. 68: "Bill relating to resignations, vacancies, and removals, and the supplying of vacancies," taken up.

Question being taken, upon the adoption of the report of the committee, report was rejected, and bill recommitted to committee on education.

On motion, the council concurred in house amendments to council bills Nos. 44, 39, and 56.

House file No. 64, taken up.

Read first and second time, and

Referred to judiciary committee.

Council bill No. 47: "Bill in relation to the protection of game."

On motion, indefinitely postponed.

On motion of Mr. Bramble, council adjourned at half past eleven o'clock, A. M.

J. H. SHOBER, *President*.

JAMES TUFTS, *Secretary*.

THIRTY-SIXTH DAY.

COUNCIL CHAMBER, }
 Saturday, April 26, 1862. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names: Messrs. Bramble, Brookings, Cole, Deuel, Gregory, Stutsman, and president.

Journal read and approved.

The following message was received from the house :

HOUSE OF REPRESENTATIVES, }
 April 26, 1862. }

MR. PRESIDENT:

I have the honor of informing your honorable council, that the house has passed house file No. 75: "An Act relative to the law of roads and the regulation of public carriages," And the concurrence of the council therein is respectfully requested.

I have also to inform you that the house has concurred in council amendments to house file No. 11,

The following message was received from the governor to the council:

YANKTON, EXECUTIVE OFFICE, }
 April 25, 1862. }

TO THE COUNCIL:

I have approved and signed the following bills, to wit:

Council bill No. 14: "An Act to provide for county officers."

Council bill No. 22: "An Act to provide for the location of the county seats of the counties in this territory.

Council bill No. 27: "An Act to create a lien for mechanics and others in certain cases.

Council bill No. 36: "An Act to incorporate the town of Elk Point.

Council bill No. 37: "An Act to provide for surveying, platting, and recording towns and cities, and

Council file No. 9: "Memorial to the president of the United States, praying for the establishment of a military post at Sioux Falls city.

Also, council bill No. 49: "An Act defining the manner of appointment and duties of the district courts.

W. JAYNE, Governor.

YANKTON, EXECUTIVE OFFICE, }
April 25, 1862.

TO THE COUNCIL:

GENTLEMEN,—I herewith transmit to your honorable body, council bill No. 53: "An Act defining certain council and representative districts, and apportioning the representation thereof, which I have not approved for the following reasons:

1. I doubt the propriety of increasing the number of the members of the council and house of representatives at the present time. Occupying the position I do, it seems to me that it is equally my duty while faithfully guarding the interests of the people of Dakota, to be also watchful of the interests of the kind and generous government whose agent I am, while discharging the executive duties of this territory. And the question naturally and properly arises in my mind, is there a pressing necessity for an increase of members in the legislature, or is that necessity sufficiently great to justify the additional expense that would thereby be imposed upon the exhausted treasury of the general government? With my present views, I am not able to decide that such necessity exists.

2. I cannot, even if so deciding, approve of this bill, because I do not deem the apportionment under it is just and equal. With the census returns before me upon which the representation in the general assembly should manifestly be based, I feel that I should be doing wrong to approve of an apportionment which gives the same representation to districts in which the population of one is twice that of another.

W. JAYNE, *Governor.*

Council bill No. 74: "Bill for an act legalizing the official acts of certain officers of the county of Big Sioux."

Read first and second time, and
Referred to judiciary committee.

Mr. Boyle introduced council bill No. 75: "Bill defining the jurisdiction of justices of the peace in criminal cases, and of proceedings thereon."

Read first and second time, and
Referred to judiciary committee.

Mr. Shober introduced council bill No. 76: "Bill providing for the time of the taking effect of laws passed by the legislative assembly of the Territory of Dakota."

Read first and second time, and
Referred to judiciary committee.

Mr. Bramble, from judiciary committee, reported back house file No. 64, and recommended its passage with attached amendment.

Mr. Boyle, from committee on education, reported back council bill No. 72, and recommended its passage without amendment.

Also, council bill No. 68, and recommended its passage with attached amendment.

Mr. Stutsman, from committee on elections, reported back council bill No. 71, without recommendation.

Also, house file No. 32, and recommended its passage with attached amendments.

Mr. Brookings, from committee on engrossed and enrolled bills, reported council bill No. 62, correctly engrossed.

Also, house files Nos. 50, 62, and 63, correctly enrolled.

Council bill No. 62: "Bill to define the judicial districts of the territory, and assign the judges thereto," taken up.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 7; noes 1, as follows:

Ayes — Messrs. Boyle, Bramble, Cole, Deuel, Gregory, Stutsman, and president.

Noes — Brookings.

Bill passed, title agreed to.

House file No. 64: "Bill regulating the rate of interest."

Reported amendment adopted.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 5; noes 3, as follows:

Ayes — Messrs. Bramble, Brookings, Deuel, Gregory, and Stutsman.

Noes — Messrs. Boyle, Cole, and president.

Bill passed, and title agreed to.

Council bill No. 68: "Bill relating to resignations, vacancies, and the supplying of vacancies," taken up.

Amendment reported by committee adopted, and

Bill ordered engrossed for third reading to-morrow.

Council bill No. 72: "Bill regulating the observance of the Sabbath," taken up.

Recommitted to select committee, composed of Messrs. Gregory, Bramble, and Cole.

Council bill No. 71: "Bill to declare certain persons citizens of this territory," taken up.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 3; noes 5, as follows:

Ayes — Messrs. Cole, Gregory, and president.

Noes — Messrs. Boyle, Bramble, Brookings, Deuel, and Stutsman.

Lost.

Mr. Brookings presented the following report :

MR. PRESIDENT :

Your committee on enrolled bills have examined council bill No. 58: "An Act to incorporate the town of Springfield."

Also, council bill No. 55: "An Act conferring the rights of citizenship on Charles F. Picotte."

Also, council bill No. 56: "An Act for the punishment of offences against the public health."

Also, council bill No. 57: "An Act to incorporate Yankton Lodge, No. 1, of Free and Accepted Masons."

Also, council bill No. 39: "An Act designating the time of the meeting of the legislature, and define the duties thereof."

Also, council bill No. 44: "An Act to define the rights of persons who are accused of crimes."

Also, council file No. 10: "Joint resolution," and find the same correctly enrolled.

W. W. BROOKINGS, *Chairman.*

House file No. 32: "Prescribing the manner of conducting elections, of the canvass and return of the same," taken up.

On motion of Mr. Bramble, the bill with the amendments reported by committee were ordered printed, and

Referred to committee of the whole for Tuesday next.

Mr. Boyle obtained leave and introduced council bill No. 70: "Justices' code," which was

Read first and second time, and

Referred to committee of the whole, Wednesday next.

House file No 75 read twice, and

Referred to committee on highways.

Council resolved itself into committee of the whole, Mr. Brookings in the chair, to consider house file No. 56.

After spending some time therein, the committee rose, reported through their chairman the bill back to the council, and recommended its passage, with the accompanying amendments.

Report of committee adopted.

The bill read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 8; noes 0, as follows:

Ayes — Messrs. Boyle, Bramble, Brookings, Cole, Deuel, Gregory, Stutsman, and president.

Bill passed, and title agreed to.

Message from the house:

HOUSE OF REPRESENTATIVES, }
April 26, 1862.

MR. PRESIDENT:

I have to inform you that the house has passed house file No.

81: "An Act to dissolve the marriage contract between Sarah A. Tripp and William Tripp," and the concurrence of the council is respectfully requested.

J. R. HANSON, *Chief Clerk.*

House bill No. 81: "Bill to dissolve the marriage contract between Sarah A. Tripp and William Tripp," taken up.

On motion, rules suspended.

The bill read first, second, and third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 6; noes 0, as follows:

Ayes — Messrs. Bramble, Cole, Denel, Gregory, Stutsman, and president.

Bill passed, and title agreed to.

On motion of Mr. Bramble, council adjourned at 12 o'clock.

J. H. SHOBER, *President.*

JAMES TUFTS, *Secretary.*

THIRTY-SEVENTH DAY.

COUNCIL CHAMBER. }
Monday, April 28, 1862 }

Council met pursuant to adjournment.

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names: Messrs. Boyle, Bramble, Brookings, Cole, Denel, Gregory, Stutsman, and president.

Journal read and approved.

The following message was received from the house:

MR. PRESIDENT:

SIR, — I have the honor of informing your honorable council that the following council bills have passed the house of representatives:

Council bill No. 52: "An Act concerning alienation by deed, of the proof and recording of conveyances, and the cancelling of mortgages."

Council bill No. 61: "An Act concerning letters testamentary, and other proceedings on the probate of a will," and I herewith return the same.

The house has also passed the following house files:

House file No. 72: "An Act exempting property from execution."

House file No. 74: "An Act to prevent offences against chastity, morality, and decency."

House file No. 77: "Memorial to the Hon. E. M. Stanton, in relation to the cavalry company raised in this territory."

House file No. 68: "An Act to incorporate the town of St. Joseph."

In all of which the concurrence of the council is respectfully requested.

I have also to inform you that the house has refused to concur in council amendments to house file No. 71, and I herewith return the same for further consideration.

J. R. HANSON, *Chief Clerk.*

Mr. Shober introduced council file No. 11: "Memorial asking congress to change that portion of the organic act, which gives the governor an unlimited veto power."

Read first and second time, and

Referred to committee on federal relations.

Mr. Stutsman introduced council bill No. 77: "Bill to declare certain persons citizens of Dakota territory."

Read first and second time, and

Referred to the judiciary committee.

Mr. Boyle introduced council bill No. 78: "Bill to provide for the support of bastard children."

Read first and second time, and

Referred to committee on education.

Mr. Denel, from committee on incorporations, reported back council bill No. 73, and recommended its passage.

Mr. Bramble, from committee on highways, reported back house file No. 75, recommending its passage without amendment.

Mr. Brookings reported council bill No. 68, correctly engrossed.

Mr. Stutsman moved that the president appoint a special committee of six (one from each council district), to agree upon a division of this territory into council and representative districts, to apportion the representation thereof, and report a bill in accordance therewith.

Carried.

The chair appointed said committee: Messrs. Stutsman, Gregory, Bramble, Cole, Boyle, and Denel.

Council bill No. 73: "Bill to form and regulate religious societies." taken up.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes, 8; noes 0, as follows:

Ayes—Messrs. Boyle, Bramble, Brookings, Cole, Denel, Gregory, Stutsman, and president.

Bill passed, and title agreed to.

Council bill No. 68 taken up, and recommitted to select committee, composed of Bramble, Gregory, and Stutsman.

House file No. 75: "Bill relative to the law of roads and the regulation of public carriages," taken up.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 8; noes 0, as follows:

Ayes — Messrs. Boyle, Bramble, Brookings, Cole, Deuel, Gregory, Stutsman, and president.

Bill passed, and title agreed to.

House file 71 taken up, and, on motion of Mr. Bramble, the council voted to adhere to their amendments.

House file No. 68 taken up, read first and second time, and referred to committee on incorporations.

House file No. 72 taken up, and

On motion, rules were suspended.

The bill read first, second, and third times, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 6; noes 2, as follows:

Ayes — Messrs. Boyle, Brookings, Cole, Deuel, Gregory, and Stutsman.

Noes — Messrs. Bramble and president.

Bill passed, title agreed to.

House file No. 74 taken up.

Read first and second time, and

Referred to committee on education.

House file No. 77 taken up.

Read first and second time, and

Referred to committee on military affairs.

Mr. Brookings presented the following report:

MR. PRESIDENT:

Your committee on engrossed and enrolled bills, have examined council bill No. 32: "An Act to protect persons holding claims on public lands.

Also, council bill No. 51: "An Act to provide for corporations for manufacturing, mining, lumbering, agricultural, mechanical, and chemical purposes," and find the same correctly enrolled.

Your committee have also presented to the governor for examination and approval, the following numbered council bills, 55, 56, 57, 58, 39, 44.

Also, council file No. 10, "Joint resolution," on the 26th day of April, A. D. 1862.

W. W. BROOKINGS, *Chairman.*

Council here resolved itself into committee of the whole.

Mr. Brookings in the chair, to consider council bill No. 70.

After spending some time therein, the committee rose, and reported the bill, through their chairman, back to the house, with amendments, and recommended their adoption.

Report of committee adopted.

And bill ordered engrossed for third reading Thursday next.

Mr. Stutsman asked leave to introduce bills, of which he had given previous notice, providing for school and road laws, in printed forms.

Leave granted.

On motion of Mr. Bramble, the council adjourned at 11 o'clock.

JAMES TUFTS, *Secretary*.

J. H. SHOBER, *President*.

THIRTY-EIGHTH DAY.

COUNCIL CHAMBER, }
Tuesday, April 29, 1862. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the chaplain.

Reading of the journal dispensed with by unanimous consent.

On motion of Mr. Stutsman, council adjourned.

JAMES TUFTS, *Secretary*.

J. H. SHOBER, *President*.

THIRTY-NINTH DAY.

COUNCIL CHAMBER, }
Wednesday, April 30, 1862. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names: Messrs. Boyle, Bramble, Brookings, Cole, Deuel, Gregory, Stutsman, and president.

Journal read and approved.

The following messages were received from the governor :

YANKTON, DAKOTA TERRITORY, }
April 29, 1862.

To THE COUNCIL :

GENTLEMEN, — I have approved and signed council bill No. 30, entitled "An Act to adopt and establish a criminal code for the Territory of Dakota," which is herewith returned.

W. JAYNE, *Governor*.

YANKTON, DAKOTA TERRITORY, }
April 30, 1862.

To THE COUNCIL :

GENTLEMEN, — I have approved and signed the following bills, to wit :

Council bill No. 32 : "An Act to protect persons holding claims on public lands."

Council bill No. 44 : "An Act to define the rights of persons who are accused of crimes and offences."

Council bill No. 56 : "An Act to provide for the punishment of offences against the public health."

Council bill No. 58 : "An Act to incorporate the town of Springfield;" and,

Also, council file No. 10 : "Joint resolution."

W. JAYNE, *Governor*.

Mr. Bramble introduced council bill No. 79 : "An Act to provide for the election of certain territorial officers."

Read first and second time, and

Referred to judiciary committee.

Mr. Bramble, from the judiciary committee, reported back council bills Nos. 74, 75, and 76, without amendment, and recommended their passage.

Also, council bill No. 77, and recommended its passage, with attached amendments.

Also, house file No. 13, with amendment thereto attached, and recommended its passage.

Mr. Boyle, from committee on education, reported back house file No. 74, with the recommendation that it be returned to the house for engrossment.

Also, council bill No. 78, and recommended its passage.

Mr. Brookings presented the following :

MR. PRESIDENT :

Your committee on enrolled bills have presented to the governor council bills Nos. 32 and 51 for his signature and approval, on the 28th day of April, 1862.

Have also examined council bill No. 52 : "An Act concerning

alienation by deed, of the proof and recording of conveyances, and the cancelling of mortgages.

Also, house files Nos. 11, 66, 67, and 81, and find the same correctly enrolled.

W. W. BROOKINGS, *Chairman.*

Mr. Deuel, from the committee on incorporations, reported back house file No. 68, without recommendation.

Mr. Gregory, from committee on federal relations, reported back council file No. 11, and recommended its passage.

The following message was received from the house :

HOUSE OF REPRESENTATIVES,
April 29, 1862. }

MR. PRESIDENT:

I have the honor of informing your honorable council that the following council bills have passed the house of representatives :

Council bill No. 64 : " An Act concerning the administration and distribution of the estates of intestates."

Council bill No. 50 : " An Act for the formation and regulation of cemetery associations."

Council bill No. 67 : " A bill for an act to provide for proceedings for the collection of demands against boats and vessels."

Council bill No. 42 : " An Act to incorporate the town of Yankton," with attached amendments.

Council bill No. 65 : " A bill for an act to authorize certain officers to administer oaths and affirmations in all cases," with attached amendments.

All of which bills I herewith return.

I am also instructed to return to your honorable body, for engrossment, council bill No. 60 : " An Act concerning wills of real and personal property."

The house has also passed the following house files :

House file No. 73 : " A memorial to congress for the construction of a military road."

House file No. 69 : " An Act to locate and establish a territorial road."

I have also the honor of returning to your honorable body house file No. 46, which was transmitted to your body on the 24th inst., and returned to the house for engrossment on the 26th inst.

I have also to inform you that the house has refused to concur in council amendments to house file No. 64, and I herewith return the same for further consideration.

J. R. HANSON, *Chief Clerk.*

Council file No. 74 : " Bill legalizing the official acts of certain officers of the county of Big Sioux," taken up.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 8; noes 0, as follows:

Ayes — Messrs. Boyle, Bramble, Brookings, Cole, Deuel, Gregory, Stutsman, and president.

Bill passed, title agreed to.

Council bill No. 75; "Bill defining the jurisdiction of justices of the peace in criminal cases, and the proceedings thereon," taken up.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 8; noes 0, as follows:

Ayes — Messrs. Boyle, Bramble, Brookings, Cole, Deuel, Gregory, Stutsman, and president.

Bill passed, and title agreed to.

Council bill No. 76: "Bill to provide for the taking effect of laws passed by the legislative assembly of Dakota," taken up.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 8; noes 0, as follows:

Ayes — Messrs. Boyle, Bramble, Brookings, Cole, Deuel, Gregory, Stutsman, and president.

Bill passed, and title agreed to.

Council bill No. 77 taken up, reported amendment of committee adopted, and the bill ordered engrossed for a third reading tomorrow.

House file No. 13: "Bill to regulate divorce and alimony," taken up.

Reported amendment of the committee adopted.

Bill read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 1; noes 6, as follows:

Ayes — Mr. Boyle.

Noes — Messrs. Bramble, Brookings, Cole, Deuel, Gregory, Stutsman, and president.

Bill rejected.

House file No. 74 taken up.

Report of committee adopted.

Bill ordered to be returned to the house for engrossment.

Council bill No. 78: "Bill relative to the support of bastard children," taken up.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 6; noes 0, as follows:

Ayes — Messrs. Boyle, Brookings, Cole, Deuel, Gregory, and Stutsman.

Bill passed, and title agreed to.

House file No. 68: "Bill to incorporate the town of St. Joseph," taken up.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 5; noes 3, as follows:

Ayes — Messrs. Boyle, Bramble, Brookings, Cole, and Gregory.

Noes — Messrs. Deuel, Stutsman, and president.

Bill passed, and title agreed to.

Council file No. 11, memorial taken up.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 8; noes 0, as follows:

Ayes — Messrs. Boyle, Bramble, Brookings, Cole, Deuel, Gregory, Stutsman, and president.

Bill passed, and title agreed to.

On motion, the council concurred in house amendments to council bills Nos. 42 and 65.

House file No. 46 taken up.

Read first and second time, and

Referred to committee on territorial affairs.

House file No. 69: "Bill to locate a territorial road," taken up, and

On motion of Mr. Bramble, indefinitely postponed.

House file No. 73 taken up.

Read first and second time, and

Referred to committee on military affairs.

House file No. 64 taken up, and

On motion, the council adhered to the amendments.

On motion, the consideration of house file 32, was postponed until to-morrow.

Council took a recess for half an hour.

President resumed the chair.

On motion of Mr. Stutsman, the vote by which the council concurred in house amendments to council bill No. 42, was reconsidered, and the bill was laid upon the table.

On motion of Mr. Stutsman, the council adjourned at 11 o'clock, to meet to-morrow at 10.

J. H. SHOBER, *President*.

JAMES TUFTS, *Secretary*.

FORTIETH DAY.

COUNCIL CHAMBER,
Thursday, May 1, 1862. }

Council met pursuant to adjournment.

President in the chair.

Roll called.

The following members answered to their names: Messrs. Boyle, Bramble, Brookings, Gregory, Stutsman, and president.

Journal read and approved.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
May 1, 1862. }

MR. PRESIDENT:

SIR, — I have the honor of informing your honorable council, that the house has passed house file No. 86: "An Act to dissolve the bonds of matrimony heretofore existing between Elizabeth Peters and James Peters of this territory," with the accompanying paper; and the concurrence of the council is respectfully requested.

I have also to inform you that the house refuse to concur in council amendments to house file No. 71, and respectfully request that a conference committee of three be appointed by your body, to confer with a like committee appointed by the house.

Messrs. Donaldson, Puett, and Armstrong, have been appointed as such committee on the part of the house.

I have also to inform you that Messrs. Donaldson, Pinney, and Waldron, have been appointed a committee to confer with the committee appointed upon the part of your body, relative to a territorial seal.

J. R. HANSON, *Chief Clerk.*

Mr. Shober introduced council bill No. 81: "Bill for an act to limit the time for the appointment of county officers."

Read first and second time, and

Referred to committee on counties.

Mr. Gregory, from committee on military affairs, reported back house file No. 73, and recommended its passage.

Mr. Brookings, from committee on engrossed bills, reported council bills Nos. 60 and 48 correctly engrossed.

Mr. Gregory, from special committee, to which was referred council bill No. 72: "Bill regulating the observance of the Sabbath," reported the same back, and recommended the bill be indefinitely postponed.

On motion, the report of committee was adopted, and Bill indefinitely postponed.

House file No. 73: "Memorial for the construction of a military road," taken up.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 6; noes 0, as follows:

Ayes — Messrs. Boyle, Bramble, Brookings, Gregory, Stutsman, and president.

Bill passed, and title agreed to.

Council bill No. 77: "Bill for an act to declare certain persons citizens of Dakota Territory," taken up.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 6; noes 0, as follows:

Ayes — Messrs. Boyle, Bramble, Brookings, Gregory, Stutsman, and president.

Bill passed, and title agreed to.

House file No. 86 taken up.

Read first and second time, and

Referred to committee of the whole to-day.

Council bill No. 42 taken from table.

On motion of Mr. Stutsman, the house amendments were concurred in.

The council here resolved itself into committee of the whole, to consider house file No. 32.

Mr. Brookings in the chair.

After spending some time therein, the committee rose, and

On motion, time was granted till to-morrow morning for the chairman to report.

Council at 12 o'clock took a recess till 2, p. m.

At 2 o'clock the president resumed the chair.

Mr. Brookings presented the following:

Your committee on enrolled bills have examined council bill No. 48: "An Act to incorporate the 'Old Settlers Historical Association.'"

Also, council bill No. 59: "An Act regulating marriages."

Also, council bill No. 61: "An Act concerning letters testamentary, and other proceedings on the probate of a will."

Also, council bill No. 65: "An Act to authorize certain officers to administer oaths and affirmations in all cases." And find the same correctly enrolled.

We also presented to His Excellency the governor, for his approval and signature, council bill No. 52, on April 30, 1862.

W. W. BROOKINGS, *Chairman*.

On motion of Mr. Stutsman, Mr. Deuel was excused till Monday next.

The council resolved itself into committee of the whole to consider house file No. 86.

Mr. Bramble in the chair.

After spending some time therein, the committee rose, and reported through their chairman the bill back to the council, with the recommendation that it be recommitted to a special committee of three, with power to send for persons and papers.

Report of committee adopted.

Chair appointed Messrs. Stutsman, Gregory, and Brookings.

On motion of Mr. Stutsman, the council adjourned at 3 o'clock, to meet to-morrow at 10.

JOHN H. SHOBER, *President*.

JAMES TUFTS, *Secretary*.

FORTY-FIRST DAY.

COUNCIL CHAMBER, }
Friday, May 2, 1862. }

Council met pursuant to adjournment.

President in the chair.

Roll called.

The following members answered to their names: Messrs. Betts, Boyle, Bramble, Brookings, Cole, Gregory, Stutsman, and president.

Journal read and approved.

The following message was received from the house:

HOUSE OF REPRESENTATIVES, }
May 2, 1862. }

MR. PRESIDENT:

SIR,—I have the honor of informing your honorable council, that the following council bills have passed the house of representatives; and I herewith return the same.

Council bill No. 73: "An Act to form and regulate religious societies."

Council bill No. 60: "An Act concerning wills of real and personal property."

The house has also passed the following house files.

House file No. 80: "An Act regulating fees of county officers."

House file No. 82: "An act granting to town site claimants certain powers."

House file No. 76: "An Act to regulate partnership."

House file No. 78: "An Act providing for the registration of the legal voters in this territory, and the concurrence of the council is respectfully requested."

I also have the honor of returning to your body house file No. 74 engrossed.

J. R. HANSON, *Chief Clerk.*

Mr. Gregory introduced council file No. 12: "Memorial to congress."

Read first and second time, and

Referred to committee on federal relations.

Mr. Gregory gave notice of a bill to incorporate the Missouri and Niobrara valley railroad company.

Mr. Stutsman introduced council bill No. 80: "Bill providing for common schools."

Read first and second time, and

Referred to committee on education.

Mr. Boyle introduced council bill No. 82: "Locating a territorial road."

Read first and second time, and

Referred to committee on highways.

Mr. Bramble, from judiciary committee, reported back council bill No. 79, and recommended its passage.

Mr. Gregory, from committee on military affairs, reported back house file No. 77, without recommendation.

Mr. Cole, from the committee on counties, reported back council bill No. 81, and recommended its passage.

Mr. Brookings, from the committee of whole, reported back house file No. 32, with amendments, and recommended their adoption.

Mr. Brookings reported as follows:

Your committee on enrolled bills have examined council bill No. 67: "An Act to provide for proceedings for the collection of demands against boats and vessels, and find the same correctly enrolled."

Also, presented to His Excellency the governor, council bills Nos. 48, 59, 61, and 65, for his approval and signature on the first day of May, 1862.

W. W. BROOKINGS, *Chairman.*

Mr. Bramble, from special committee, to which was reported

council bill No. 68, reported the same back to council, and recommended its passage, with accompanying amendments.

HOUSE OF REPRESENTATIVES,
May 2, 1862.

MR. PRESIDENT:

I am directed to inform your honorable body, that the following resolution has been adopted by the House of representatives:

Resolved, That the honorable council be requested to expunge from their journal of the 9th instant, the report of the committee appointed to wait upon His Excellency the governor, and inquire why an armed force was placed in the hall of the house of representatives.

J. R. HANSON, *Chief Clerk*.

The chair appointed as conference committee, on the part of council, to consider house file No. 71, Messrs. Bramble, Cole, and Deuel.

Council bill No. 79: "Bill to provide for the election of certain territorial officers," taken up.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 6; noes 1, as follows:

Ayes — Messrs. Betts, Boyle, Bramble, Gregory, Stutsman, and president.

Noes — Mr. Brookings.

Bill passed, and title agreed to.

House file No. 77: "Memorial to the Secretary of War," taken up.

Bill read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 5; noes 2, as follows:

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, and Stutsman.

Noes — Messrs. Gregory and president.

Bill passed, and title agreed to.

Council bill No. 81: "Bill limiting the time for the appointment of county officers," taken up.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 3; noes 4, as follows:

Ayes — Messrs. Gregory, Stutsman, and president.

Noes — Messrs. Betts, Boyle, Bramble, and Brookings.

Bill rejected.

Council bill No. 68: "Bill relative to the supplying vacancies in office," taken up.

The question being upon the adoption of the amendments re-

ported by the committee, Mr. Betts moved the amendments be acted upon separately.

Motion carried.

Mr. Statsman moved to amend the committee's amendments to section 3, by striking out the word "governor," and insert in lieu thereof, the words "the officer or officers authorized to appoint."

Adopted.

The amendments to section 3, as amended, were then adopted.

On motion of Mr. Bramble, the committee's amendments to section 4, were adopted.

The question being taken on the adoption of amendments to section 5, they were rejected.

Mr. Bramble moved to strike out the word "removed," in the fourth line of section 5.

Lost.

Mr. Bramble then moved to strike out all of section 5.

Lost.

The amendments to section 7 were then, on motion, adopted.

The amendment changing section 9 to section 10, and this substituted for section 9, were adopted, and

The bill was then ordered engrossed for third reading to-morrow.

House file No. 76.

Read first and second time, and

Referred to the judiciary committee.

House file No. 78.

Read first and second time, and

Referred to the committee on elections.

House file No. 80.

Read first and second time, and

Referred to the committee on finance.

House file No. 82.

Read first and second time, and

Referred to committee on incorporations.

House file No. 32, relative to the conducting elections, &c., taken up.

On motion, the reported amendment of the committee of the whole were adopted.

The bill read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 7; noes 0, as follows:

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Gregory, Statsman, and president.

Bill passed, and title agreed to.

On motion of Mr. Bramble, adjourned at 11 o'clock, to meet to-morrow at 8 o'clock; A. M.

J. H. SHOBER, *President.*

JAMES TUFTS, *Secretary.*

FORTY-SECOND DAY.

COUNCIL CHAMBER, }
Saturday, May 3, 1862. }

Council met pursuant to adjournment.

President in the chair.

Roll called.

The following members answered to their names: Messrs. Betts, Boyle, Bramble, Brookings, Cole, Gregory, Stutsman, and president. Journal read and approved.

The following message was received from the house:

MR. PRESIDENT:

SIR,— I have the honor of informing your honorable council, that the following house files have passed the house of representatives:

House file No. 87: "An Act to provide for the location of the county seat of Cole county."

House file No. 79: "An Act conferring the right of citizenship on certain persons in this territory."

The concurrence of the council therein is respectfully requested.

J. B. HANSON, *Chief Clerk.*

Mr. Bramble moved to reconsider the vote by which house file No. 77 was passed.

Carried.

Mr. Bramble moved the bill be laid upon the table.

Ayes and noes ordered.

Resulted, ayes 5; noes 3, as follows:

Ayes — Messrs. Bramble, Cole, Gregory, Stutsman, and president.

Noes — Messrs. Betts, Boyle, Brookings.

Bill laid upon the table.

Mr. Bramble moved to reconsider the vote by which house file No. 32 was passed.

Ayes and noes ordered.

Resulted, ayes 5; noes 3, as follows:

Ayes — Messrs. Bramble, Cole, Gregory, Stutsman, and president.

Noes — Messrs. Betts, Boyle, and Brookings.

The bill was then on motion laid upon the table.

Mr. Bramble introduced council bill No. 83, which was read first and second time, and referred to committee on territorial affairs.

Mr. Boyle, from committee on education, reported back house file No. 74, and recommended its indefinite postponement.

Mr. Boyle, from same committee, reported back council bill No. 80, with the recommendation that it be recommitted to committee of the whole, for Monday next, at 3 o'clock, P. M.

House file No. 74 taken up, report of committee adopted, and bill indefinitely postponed.

Council bill No. 80, report of committee adopted, and bill referred to committee of the whole, for Monday next, at 3 o'clock, P. M.

House file No. 79 taken up.

Mr. Bramble moved to postpone indefinitely.

Lost.

Mr. Bramble moved to postpone till tenth of December next.

Ayes and noes ordered.

Resulted, ayes 5 ; noes 3, as follows :

Ayes — Messrs. Bramble, Brookings, Cole, Stutsman, and president.

Noes — Messrs. Betts, Boyle, and Gregory.

Bill postponed till tenth of December next.

Mr. Bramble moved to reconsider the vote postponing house file No. 79.

Mr. Brookings moved to lay Mr. Bramble's motion on the table.

Carried.

House file No. 87, taken up, and under suspension of rules, the bill was read first, second, and third times, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 8 ; noes 0, as follows :

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Cole, Gregory, Stutsman, and president.

Bill passed, and title agreed to.

On motion of Mr. Stutsman, the council adjourned at 9 o'clock, A. M., to meet on Monday at 2 o'clock, P. M.

J. H. SHOBER, *President*.

JAMES TUFTS, *Secretary*.

FORTY-THIRD DAY.

COUNCIL CHAMBER, }
Monday, May 5, 1862. }

Council met pursuant to adjournment.

President in the chair.

Roll called.

The following members answered to their names: "Messrs. Betts, Bramble, Brookings, Cole, Gregory, and president.

Journal read and approved.

The following message was received from the house :

HOUSE OF REPRESENTATIVES,
May 5, 1862.

MR. PRESIDENT:

SIR, — I have the honor of informing your honorable council, that the house has passed the following council bills:

Council bill No. 74: "An Act legalizing the official acts of certain officers of the county of Big Sioux."

Council bill No. 78: "An Act to provide for the support of bastard children," and I herewith return the same.

The house has also passed house file No. 84: "An Act relative to salvage," and the concurrence of the council is respectfully requested.

J. R. HANSON, *Chief Clerk.*

Mr. Brookings gave notice of a bill to exempt certain property from taxation.

Mr. Bramble introduced a resolution relative to the governor's ale, and its effects upon the public health, which was
Referred to committee on education.

Mr. Bramble introduced council bill No. 84.
Read first and second time, and
Referred to committee on counties.

Also, council bill No. 85.
Read first and second time, and
Referred to committee on territorial affairs.

Mr. Gregory introduced council bill No. 86.
Read first and second time, and
Referred to committee on highways.

Mr. Shober introduced council bill No. 87.
Read first and second time, and
Referred to judiciary committee.

Mr. Bramble, from committee on territorial affairs, reported back council bill No. 83, and recommended its passage.

Mr. Brookings reported as follows:

MR. PRESIDENT:

Your committee on enrolled bills have examined house files Nos. 68, 72, 73, and 75, and find the same correctly enrolled.

Also, presented to His Excellency the governor council bill No. 67, on the second day of May, for his approval and signature.

Also, council bill No. 68 correctly engrossed.

W. W. BROOKINGS, *Chairman.*

Mr. Gregory, from committee on federal relations, reported back council file No. 12.

Council bill No. 83: "A bill for an act to regulate the distribu-

tion of the laws and journals of Dakota Territory, and for other purposes," taken up.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 6; noes 0, as follows:

Ayes — Messrs. Betts, Bramble, Brookings, Cole, Grègory, and president.

Bill passed, and title agreed to.

Council file No. 12: "A memorial relative to bridging the Niobrara river," taken up.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 6; noes 0, as follows:

Ayes — Messrs. Betts, Bramble, Brookings, Cole, Gregory, and president.

Bill passed, and title agreed to.

Council bill No. 68: "Bill relative to the supplying of vacancies," taken up.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes, 6; noes 0, as follows:

Ayes — Messrs. Betts, Bramble, Brookings, Cole, Gregory, and president.

Bill passed, and title agreed to.

House file No. 84 taken up.

Read first and second time, and

Referred to committee on territorial affairs.

Special order, council bill No. 80 taken up, and

On motion, postponed until to-morrow.

On motion of Mr. Gregory, council adjourned at 3, P. M., to meet to-morrow at 10.

J. H. SHOBER, *President*.

JAMES TUFTS, *Secretary*.

FORTY-FOURTH DAY.

COUNCIL CHAMBER, }
Tuesday, May 6, 1862. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names: Messrs. Betts,

Boyle, Bramble, Brookings, Deuel, Gregory, Stutsman, and president.

Journal read and approved.

Messrs. Stutsman, Boyle, Deuel, and Betts were excused for being absent.

Mr. Bramble introduced council bill No. 88, which was
Read first and second time, and
Referred to committee on judiciary.

Mr. Deuel, from committee on incorporations, reported back house file No. 82 and recommended its passage.

Mr. Stutsman, from committee on elections, reported back house file No. 78, and recommended its indefinite postponement.

Mr. Brookings reported council bill No. 70 correctly engrossed.

House file No. 82 taken up.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 9; noes 0, as follows:

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Cole, Deuel, Gregory, Stutsman, and president.

Bill passed, and title agreed to.

House file No. 78, taken up.

Report of committee adopted, and bill indefinitely postponed.

Council bill No. 70: "Justices' code," taken up.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 9; noes 0, as follows:

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Cole, Deuel, Gregory, Stutsman, and president.

Bill passed, and title agreed to.

Mr. Brookings reported as follows:

MR. PRESIDENT:

Your committee on enrolled bills have examined council bill No. 34, "An Act to organize and discipline the militia," and find the same correctly enrolled.

W. W. BROOKINGS, *Chairman.*

Council here resolved itself into committee of the whole.

Mr. Bramble in the chair.

To consider council bill No. 80.

After spending some time therein, the committee rose, and reported through their chairman the bill back to the council, and recommended its passage.

Report adopted.

Bill read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 9 ; noes 0, as follows :

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Cole, Deuel, Gregory, Stutsman, and president.

Bill passed, and title agreed to.

HOUSE OF REPRESENTATIVES, }
May 6, 1862.

MR. PRESIDENT :

SIR, — I am instructed by the house of representatives to inquire of your honorable council what disposition has been made by your body of the following house files, to wit :

House files Nos. 4, 7, 8, 10, 13, 14, 18, 20, 22, 25, 32, 33, 34, 35, 36, 37, 38, 39, 46, 51, 52, 58, 69, 74, 76, 77, 78, 79, 80, 82, and 86.

J. R. HANSON, *Chief Clerk.* -

Mr. Brookings reported as follows :

MR. PRESIDENT :

Your committee, on enrolled bills, have examined house file No. 56, "An Act to establish a civil code," and find the same correctly enrolled.

W. W. BROOKINGS, *Chairman.*

Mr. Bramble presented the following resolution which was adopted :

Resolved, That the secretary of the council be instructed to inform the house of representatives that the council is able to attend to its journal, and respectfully decline mutilating the same.

On motion, the secretary of the council was directed to inform the house what disposition had been made of certain house files respecting which they had instructed their clerk to inquire.

Mr. Stutsman reported back house file No. 80, with the recommendation that it be recommitted to a special committee of three.

Report adopted.

Chair appointed Messrs. Stutsman, Bramble, and Boyle, said committee.

On motion of Mr. Brookings, council adjourned at 11 o'clock.

J. H. SHOBER, *President.*

JAMES TUFTS, *Secretary.*

FORTY-FIFTH DAY.

COUNCIL CHAMBER,
Wednesday, May 7, 1862.

Council met pursuant to adjournment.

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names: Messrs. Boyle, Bramble, Brookings, Cole, Deuel, Gregory, Statsman, and president.

Mr. Betts excused.

Journal read and approved.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
May 7, 1862.

MR. PRESIDENT:

SIR,—I have the honor of informing your honorable council, that the following house files have passed the house of representatives.

House file No. 92: "An Act regulating the height of fences, and the duty of fence viewers, and impounding of cattle."

House file No. 55: "An Act to provide for the recording of chattel mortgages."

House file No. 89: "An Act to prevent Indians from trespassing upon ceded lands in this territory."

In all of which, the concurrence of the council is respectfully requested.

J. R. HANSON, *Chief Clerk*.

Mr. Shober introduced council bill No. 89.

Read first and second time, and

Referred to committee on territorial affairs.

The following message was received from the governor:

YANXTON, May 7, 1862.

TO THE COUNCIL:

GENTLEMEN,—I have approved and signed the following bills, to wit:

Council bill No. 39: "An Act to designate the time of the meeting of the legislature, and define the duties of the same."

Council bill No. 48: "An Act to incorporate the 'Old Settlers Historical Association.'"

Council bill No. 51: "An Act to provide for corporations for manufacturing, lumbering, agricultural, mechanical, and chemical purposes."

Council bill No. 52: "An Act concerning alienation by deed of the proof and recording of conveyances, and the cancelling of mortgages."

Council bill No. 59: "An Act regulating marriage."

Council bill No. 61: "An Act concerning letters testamentary, and other proceedings on the probate of a will."

Council bill No. 65: "An Act to authorize certain officers to administer oaths and affirmations in all cases."

W. JAYNE, *Governor*.

YANKTON, May 7, 1862.

TO THE COUNCIL:

GENTLEMEN,—I have approved, and signed the following bills, to wit:

Council bill No. 17: "A bill for an act creating and establishing Todd, Gregory, Charles Mix, and Bruguier counties, to define the boundary lines of the same, and to locate county seats."

Council bill No. 18: "A bill for an act creating and establishing Jayne and Hutchinson counties, defining the boundary lines of the same, and for other purposes."

Council bill No. 67: "An Act to provide for proceedings for the collection of demands against boats and vessels."

W. JAYNE, *Governor*.

Mr. Cole introduced council bill No. 90.

Read first and second time, and

Referred to committee on highways.

Also, council file No. 13.

Read first and second time, and

Referred to committee on federal relations.

Also, council file No. 14.

Read first and second time, and

Referred to committee on federal relations.

Mr. Bramble, from judiciary committee, reported council bills Nos. 87 and 88, and house file No. 76, and recommended their passage.

Mr. Bramble, from committee on highways, &c., reported back council bill No. 82, with accompanying substitute, and recommended its adoption.

Also, council bill No. 86, and recommended its passage with accompanying amendments.

Mr. Cole, from committee on counties, reported back council bill No. 84, and recommended its passage.

Mr. Bramble, from committee on territorial affairs, reported back council bill No. 85, and recommended its passage.

Also, house file 84, and recommended its passage, with amendments attached.

Mr. Brookings reported as follows :

Your committee on enrolled bills, have examined council bill No. 50: "An Act for the formation and regulation of cemetery associations."

Also, council bill No. 60: "An Act concerning wills of real and personal property."

Also, council bill No. 64: "An Act concerning the administration and distribution of the estates of intestates."

Also, council bill No. 74: "An act legalizing the official acts of certain officers of the county of Big Sioux."

Also, council bill No. 42: "An Act to incorporate the town of Yankton," and find the same correctly enrolled.

Also, presented on the sixth day of May, to His Excellency the governor, council bill No. 34, for approval and signature.

W. W. BROOKINGS, *Chairman.*

Mr. Stutsman, from special committee, reported back house file No. 86, without recommendation.

Council bill No. 87: "Bill relative to the issuing of search-warrants," taken up.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 8; noes 0, as follows:

Ayes—Messrs. Boyle, Bramble, Brookings, Cole, Deuel, Gregory, Stutsman, and president.

Bill passed, and title agreed to.

Council bill No. 88: "Bill concerning the powers of district judges," taken up.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 8; noes 0, as follows:

Ayes—Messrs. Boyle, Bramble, Brookings, Cole, Deuel, Gregory, Stutsman, and president.

Bill passed, and title agreed to.

House file No. 76: "Bill regulating partnerships," taken up.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 8; noes 0, as follows:

Ayes—Messrs. Boyle, Bramble, Brookings, Cole, Deuel, Gregory, Stutsman, and president.

Bill passed, and title agreed to.

Council bill No. 82.

Reported substitute of committee adopted.

Bill read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 6; noes 1, as follows:

Ayes — Messrs. Bramble, Brookings, Cole, Deuel, Gregory, and Stutsman.

Noes — Mr. Boyle.

Bill passed, and title agreed to.

Council bill No. 86.

Reported amendments of committee adopted, and
Bill ordered engrossed for third reading to-morrow.

Council bill No. 84: "Bill limiting the issue of county warrants," taken up.

Read third time, and put upon its passage.

Ayes and *noes* ordered.

Resulted, *ayes* 7; *noes* 0, as follows:

Ayes — Messrs. Boyle, Bramble, Brookings, Cole, Deuel, Gregory, and Stutsman.

Bill passed, and title agreed to.

Council bill No. 85: "Bill respecting juries," taken up.

Read third time, and put upon its passage.

Ayes and *noes* ordered.

Resulted, *ayes* 7; *noes* 0, as follows:

Ayes — Messrs. Boyle, Bramble, Brookings, Cole, Deuel, Gregory, and Stutsman.

Bill passed, and title agreed to.

House file No. 84: "Bill relating to salvage," taken up.

Committee amendments adopted.

Bill read third time and put upon its passage.

Ayes and *noes* ordered.

Resulted, *ayes* 8; *noes* 0, as follows:

Ayes — Messrs. Boyle, Bramble, Brookings, Cole, Deuel, Gregory, Stutsman, and president.

Bill passed, title agreed to.

House file No. 86 taken up, and laid upon the table.

House file No. 55 taken up.

Read first and second time, and

Referred to committee on territorial affairs.

House file No. 89 taken up.

Read first and second time, and

Referred to judiciary committee.

House file No. 92.

Read first and second time, and

Referred to committee on agriculture.

On motion of Mr. Bramble, house file No. 32 was taken from table, and recommitted to special committee composed of Messrs. Bramble, Gregory, and Stutsman.

House file No. 77, taken from the table.
 Mr. Brookings moved the bill be read third time.
 Lost.

On motion of Mr. Bramble, the council adjourned at 11 o'clock.

J. H. SHOBER, *President.*

JAMES TUFTS, *Secretary.*

FORTY-SIXTH DAY.

COUNCIL CHAMBER, }
 Thursday, May 8, 1862. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names : Messrs. Betts, Boyle, Bramble, Brookings, Cole, Deuel, Gregory, Stutsman, and president.

Journal read and approved.

Mr. Stutsman introduced the following resolution, which was adopted :

Resolved, That Mr. Gregory be, and hereby is, excused for non-attendance from the seventeenth day of March, to the eighth day of April, on account of inability to reach the capital.

Mr. Stutsman introduced council file No. 15.

Read first and second time, and
 Referred to committee on printing.

Mr. Stutsman introduced council bill No. 91.

Read first and second time, and
 Referred to committee on territorial affairs.

Mr. Deuel introduced council bill No. 92.

Read first and second time.

Rules suspended.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 8 ; noes 0, as follows :

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Cole, Deuel, Stutsman, and president.

Bill passed, and title agreed to.

Mr. Brookings introduced council bill No. 93.

Read first and second time, and referred to committee of the whole to-morrow, at 11 o'clock.

Also, council bill No. 94.

Read first and second time.

Rules suspended.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 8; noes 0, as follows:

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Cole, Deuel, Stutsman, and president.

Bill passed, and title agreed to.

Mr. Bramble, from the judiciary committee, reported back house file No. 55, and council bill No. 89, and recommended their passage.

Mr. Brookings reported as follows:

MR. PRESIDENT:

Your committee on enrolled and engrossed bills, have examined council bill No. 86, and find the same correctly engrossed.

Also, have examined council bill No. 78: "An Act to provide for the support of bastard children," and find the same correctly enrolled.

Also, presented on the seventh of May, to His Excellency the governor, council bills Nos. 42, 64, 60, 74, and 50, for his approval and signature.

Also, find house file No. 87 correctly enrolled.

W. W. BROOKINGS, *Chairman.*

Council bill No. 89.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 8; noes 0, as follows:

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Cole, Deuel, Stutsman, and president.

Bill passed, and title agreed to.

House file No. 55.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 8; noes 0, as follows:

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Cole, Deuel, Stutsman, and president.

Bill passed, and title agreed to.

Council bill No. 86.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 5; noes 3, as follows:

Ayes — Messrs. Bramble, Brookings, Cole, Deuel, and Stutsman.

Noes — Messrs. Betts, Boyle, and president.

Bill passed, title agreed to.

Mr. Betts moved to adjourn.

Lost.

Mr. Gregory moved house file No. 77 be recommitted to a special committee.

Lost.

On motion of Mr. Bramble, the bill was then recommitted to committee on territorial affairs, with instructions to report to-morrow.

Mr. Grégory, from committee on federal relations, reported back council files Nos. 13 and 14, and recommended their passage.

The following message was received from the house :

HOUSE OF REPRESENTATIVES, }
May 8, 1862.

MR. PRESIDENT :

SIR, — I have the honor of informing your honorable council, that the house has passed the following council bills :

Council bill No. 75: "An Act defining the jurisdiction of justices of the peace in criminal cases, and of the proceedings therein."

Council bill No. 68: "A bill for an act relating to resignations, vacancies, removals, and the supplying of vacancies," and I herewith return the same.

The house has also passed the following house files :

House file No. 85: "An Act conferring the right of citizenship upon certain halfbreeds residing in this territory."

House file No. 93: "Joint resolutions."

And the concurrence of the council is respectfully requested.

I have also to inform your honorable council that the house has refused to enter upon its journal that portion of your communication of the 7th instant, which is in reply to the resolution passed by the house, and transmitted to your council on the 2d instant, and I am instructed to return the same to your body.

J. R. HANSON, *Chief Clerk.*

Council file No. 13.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 8; noes 0, as follows :

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Deuel, Gregory, and president.

Bill passed, and title agreed to.

Council file No. 14.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 8; noes 0, as follows :

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Deuel, Gregory, Stutsman, and president.

Bill passed, and title agreed to.

Council took a recess.

The president resumed the chair.

Mr. Bramble, from special committee, reported back house file No. 32, with amendment.

Mr. Bramble, from committee on territorial affairs, reported back house file No. 77, with amendments.

House file No. 32 taken up.

Committee amendments adopted.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 9; noes 0, as follows:

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Cole, Deuel, Gregory, Stutsman, and president.

Bill passed, and title agreed to.

House file No. 77 taken up.

Committee amendments adopted.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 9; noes 0, as follows:

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Cole, Deuel, Gregory, Stutsman, and president.

Bill passed, and title agreed to.

House file No. 93: "Joint resolution," taken up.

Mr. Bramble called to the chair.

Resolution read first and second time.

Mr. Shober offered the following amendment to article 6th of the joint resolution:

Strike out article 6th, and insert in lieu thereof, the following:

"That we tender to all those noble patriots (whether native or foreign born), who are now battling for the maintenance of the constitution of the United States, — the supremacy of the laws, — and the preservation of the Union, — our heartfelt thanks for their patriotic sacrifices. May their services ever be remembered only to be honored, and we wish them a safe, happy, and speedy return to their homes of peace, with the glorious satisfaction of having preserved us an undivided people, with the constitution of the United States as the supreme law of the nation."

Amendment adopted.

Rules suspended.

Resolution read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 9; noes 0, as follows:

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Cole, Deuel, Gregory, Stutsman, and president.

Resolution passed, and title agreed to.

House file No. 85.

Read first and second time, and
 Referred to committee on territorial affairs.
 On motion, council adjourned at half past eleven, A. M.

JAMES TUFTS, *Secretary.*

J. H. SHOBER, *President.*

FORTY-SEVENTH DAY.

COUNCIL CHAMBER, }
 Friday, May 9, 1862. }

Council met pursuant to adjournment.

The president being absent, the council was called to order by the secretary.

Mr. Deuel was chosen president pro tem.

The following message was received from the house:

HOUSE OF REPRESENTATIVES, }
 May 9, 1862. }

MR. PRESIDENT:

SIR,—I have the honor of informing your honorable council, that the house have passed the following council bills:

Council bill No. 69: "An Act to provide for trials in certain cases before justices of the peace.

Council bill No. 70: "An Act defining the jurisdiction and procedure before justices of the peace, and of the duties of constables in civil courts."

Council bill No. 80: "An Act for the regulation and support of common schools, with attached amendments." And I herewith return the same.

The house has also passed the following house files:

House file No. 94: "An Act concerning guardians and wards."

House file No. 97: "An Act concerning masters and apprentices." In all of which the concurrence of the council is respectfully requested.

I have also to inform you that the house has concurred in council's amendments to house file No. 84.

J. R. HANSON, *Chief Clerk.*

Prayer by the chaplain.

Roll called.

The following members answered to their names: Messrs. Betts, Boyle, Brookings, Deuel, and Stutsman.

Journal read and approved.

President appeared and took the chair.

Mr. Shober introduced council file No. 16.

Read first and second time.

Rules suspended.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 6 ; noes 0, as follows :

Ayes — Messrs. Betts, Boyle, Brookings, Deuel, Stutsman, and president.

Bill passed, and title agreed to.

Mr. Shober introduced council bill No. 17.

Read first and second time.

Rules suspended.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 6 ; noes 0, as follows :

Ayes — Messrs. Betts, Boyle, Brookings, Deuel, Stutsman, and president.

Bill passed, and title agreed to.

Mr. Stutsman introduced council bill No. 95.

Read first and second time, and

Referred to committee on highways, &c.

Also, council bill No. 96.

Read first and second time, and

Referred to committee on judiciary.

Mr. Betts introduced council bill No. 97.

Read first and second time, and

Referred to committee on territorial affairs.

Mr. Stutsman, from committee on printing, reported back council file No. 15, and recommended its passage.

Mr. Betts, from committee on agriculture, reported back house file No. 92, and recommended its passage.

Mr. Brookings reported as follows :

MR. PRESIDENT :

Your committee on enrolled bills presented to His Excellency the governor on the 8th day of May, council bill No. 78, for his approval and signature.

W. W. BROOKINGS, *Chairman.*

Mr. Stutsman, from special committee, reported back house file No. 80, and recommended its passage with attached amendment.

Mr. Stutsman, from conference committee, reported council bill No. 2, with the recommendation that the council concur in house amendments.

Mr. Bramble, from committee on highways, reported council bill No. 90, without amendment.

Mr. Bramble introduced council bill No. 98.

Read first and second time, and

Referred to committee on territorial affairs.

Mr. Stutsman introduced council bill No. 99.

Read first and second time.

Rules suspended.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 6; noes 3, as follows:

Ayes — Messrs. Bramble, Cole, Deuel, Gregory, Stutsman, and president.

Noes — Messrs. Betts, Boyle, and Brookings.

Bill passed, and title agreed to.

Council file No. 15 taken up.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 9; noes 0, as follows:

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Cole, Deuel, Gregory, Stutsman, and president.

Resolution passed, and title agreed to.

House file No. 92 taken up.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 8; noes 0, as follows:

Ayes — Messrs. Betts, Boyle, Brookings, Cole, Deuel, Gregory, Stutsman, and president.

Bill passed, and title agreed to.

Council bill No. 2 taken up.

On the motion to concur in house amendments,

Ayes and noes ordered.

Resulted, ayes 6; noes 3, as follows:

Ayes — Messrs. Boyle, Brookings, Cole, Deuel, Stutsman, and president.

Noes — Messrs. Betts, Bramble, and Gregory.

Amendments concurred in.

House file No. 80.

Reported amendments adopted.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 9; noes 0, as follows:

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Cole, Deuel, Gregory, Stutsman, and president.

Bill passed, and title agreed to.

Council bill No. 90 taken up.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes, 9; noes 0, as follows:

Ayes—Messrs. Betts, Boyle, Bramble, Brookings, Cole, Denel, Gregory, Stutsman, and president.

Bill passed, and title agreed to.

House file No. 94.

Read first and second time, and

Referred to committee on territorial affairs.

House file No. 97.

Read first and second time, and

Referred to judiciary committee.

Council resolved itself into committee of the whole, to consider council bill No. 93.

Mr. Bramble in the chair.

After spending some time therein, the committee rose, and reported the bill back, and recommended its passage.

Report adopted.

Bill read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 8; noes 0, as follows:

Ayes—Messrs. Betts, Boyle, Bramble, Brookings, Cole, Denel, Gregory, and Stutsman.

Bill passed, and title agreed to.

Council took a recess till 4 o'clock.

At four o'clock, the president resumed the chair.

On motion of Mr. Brookings, council adjourned to meet tomorrow at 2 o'clock.

J. H. SHOBER, *President.*

JAMES TUFTS, *Secretary.*

FORTY-EIGHTH DAY.

COUNCIL CHAMBER, }
Saturday, May 10, 1862. }

Council met pursuant to adjournment.

President in the chair.

Roll called.

The following members answered to their names: Messrs. Betts, Boyle, Bramble, Brookings, Cole, Denel, Gregory, Stutsman, and president.

Journal read and approved.

The following message was received from the house.

HOUSE OF REPRESENTATIVES,
May 13, 1862. }

MR. PRESIDENT:

I have the honor of informing your honorable council that the following council bills have passed the house of representatives:

Council bill No. 94: "An Act incorporating the town of Richland."

Council bill No. 79: "An Act to provide for the election of certain territorial officers," with attached amendment.

Council file No. 14: "A memorial to the Secretary of War, relative to a military depot at Fort Randall."

Council file No. 13: "A memorial to the Secretary of the Interior, relative to a treaty with the Brulis Indians.

All of which bills I herewith return.

The house has also passed the following house files:

House file No. 90: "An Act relative to revenue."

House file No. 99: "An Act relating to the hours of manual labor."

House file No. 100: "An Act to provide for the rendering of accounts by executors and administrators."

House file No. 103: "An Act fixing the time of holding a special term of court in the third judicial district."

And the concurrence of the council therein is respectfully requested.

I have also the honor of informing you that the house has concurred in council's amendments to house files Nos. 93 and 77.

J. R. HANSON, *Chief Clerk.*

On motion of Mr. Bramble, the vote by which council bill No. 99 passed its third reading was reconsidered, Mr. Gregory offered the following amendments:

"Strike out all after the word representatives, section 4, line 6."

Strike out all of section 7, and insert in lieu thereof, the following: "That the counties of Minnehaha, Brookings, Lincoln, and Deuel, shall constitute the sixth council, and sixth representative district; and shall be entitled to one member of the council, and one member of the house of representatives."

Amendments adopted, and bill ordered engrossed forthwith.

Mr. Bramble reported as follows from the judiciary committee:

House file No. 99, and council bill No. 86, and recommended their passage.

From the committee on highways, council bill No. 95, and recommended its passage.

From committee on territorial affairs, council bills Nos. 98 and 91, and recommended their passage, with amendments.

Also, council bill No. 97, and recommended its passage.

Council bill No. 96, taken up.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 9; noes 0, as follows:

Ayes — Messrs. Betts, Boyle, Bramblé, Brookings, Cole, Deuel, Gregory, Stutsman, and president.

Bill passed, title agreed to.

House file No. 97 taken up.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 9; noes 0, as follows:

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Cole, Deuel, Gregory, Stutsman, and president.

Bill passed, and title agreed to.

Council bill No. 95 taken up.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 9; noes 0, as follows:

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Cole, Deuel, Gregory, Stutsman, and president.

Bill passed, and title agreed to.

House file No. 94 taken up.

Amendment adopted.

Bill read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 9; noes 0, as follows:

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Cole, Deuel, Gregory, Stutsman, and president.

Bill passed, and title agreed to.

Council bill No. 91, amendment adopted.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 9; noes 0, as follows:

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Cole, Deuel, Gregory, Stutsman, and president.

Bill passed, and title agreed to.

Council bill No. 98 taken up, amendment adopted.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 9; noes 0, as follows:

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Cole, Deuel, Gregory, Stutsman, and president.

Bill passed, and title agreed to.

Council bill No. 97 taken up.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 9; noes 0, as follows:

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Cole, Deuel, Gregory, Stutsman, and president.

Bill passed, and title agreed to.

House amendments to council bill No. 79, on motion, concurred in.

House file No. 90, read first and second time, and referred to committee on territorial affairs.

House file 99, read first and second time, and referred to committee on territorial affairs.

House file No. 101, read first and second time, and referred to the judiciary committee.

House file No. 103, read first and second time.

Rules suspended.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 9; noes 0, as follows:

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Cole, Deuel, Gregory, Stutsman, and president.

Bill passed, and title agreed to.

Mr. Boyle introduced council bill No. 100.

Read first and second time.

Rules suspended.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 9; noes 0, as follows:

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Cole, Deuel, Gregory, Stutsman, and president.

Bill passed, and title agreed to.

Mr. Brookings presented the following report:

MR. PRESIDENT:

Your committee on enrolled bills have examined council bill No. 75: "An Act defining the jurisdiction of justices of the peace, in criminal cases."

No. 80: "An Act for the regulation and support of common schools."

No. 69: "An Act to provide for trial in certain cases, before justices of the peace."

No. 2: "An Act exempting property from execution, writ of attachment, or any other final process of a court."

No. 68: "An Act relating to resignations, vacancies, removals, and the supplying of vacancies."

Also, house files Nos. 87, 77, 76, 55, and find them correctly enrolled.

Also, council bill No. 70: "An Act establishing a justice code for this territory," and find the same correctly enrolled.

W. W. BROOKINGS, *Chairman*.

On motion, the chaplain was excused till Monday.

Mr. Brookings reported council bill No. 99 correctly engrossed.

Council bill No. 99 read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 5; noes 4, as follows:

Ayes — Messrs. Bramble, Cole, Deuel, Gregory, and president.

Noes — Messrs. Betts, Boyle, Brookings, and Stutsman.

Bill passed, and title agreed to.

On motion of Mr. Stutsman, the council went into executive session.

After the consideration of executive business, the council adjourned.

J. H. SHOBER, *President*.

JAMES TUFTS, *Secretary*.

FORTY-NINTH DAY.

COUNCIL CHAMBER, }
Monday, May 12, 1862. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names: Messrs. Betts, Boyle, Bramble, Brookings, Cole, Deuel, Gregory, Stutsman, and president.

The following message was received from the house:

HOUSE OF REPRESENTATIVES, }
May 12, 1862. }

MR. PRESIDENT:

SIR,—I have the honor of informing your honorable council that the following council bills have passed the house of representatives:

Council bill No. 85: "An Act respecting juries."

Council bill No. 87: "An Act to provide for issuing search warrants, and proceedings thereon."

Council bill No. 88: "An Act concerning the power of district judges."

Council bill No. 82: "A bill for an act to establish a territorial road from Vermilion to Yankton."

Council file No. 16: "Memorial to the congress of the United States, asking the tax due the United States to be taken out of the appropriation made for legislative purposes."

Council bill No. 92: "A bill for an act to establish a ferry on the Vermilion river."

Council bill No. 99: "An Act defining certain council and representative districts, and to apportion the representation thereof," with attached amendments.

Council bill No. 86: "A bill for an act to incorporate the Missouri and Niobrara Valley Railroad Company," with attached amendments.

All of which bills I herewith return.

The house has also passed the following house files:

House file No. 98: "An Act concerning fugitives from justice, and the surrender of the same."

House file No. 100: "An Act concerning arbitration."

House file No. 104: "An Act to provide a remedy for forcible entries and unlawful detainers."

House file No. 105: "An Act to locate the county seat of the county of Minnehaha."

In all of which the concurrence of the council is respectfully requested.

I also have the honor of informing your honorable council that the house has concurred in council amendments to house file No. 32.

J. R. HANSON, *Chief Clerk.*

Journal read and approved.

Mr. Bramble, from judiciary committee, reported house file No. 89, and recommended its indefinite postponement.

Also, house file No. 101, and recommended its passage.

Mr. Bramble, from committee on territorial affairs, reported house files Nos. 46, 85, and 99, recommending their passage, and

House file No. 99, recommending its indefinite postponement, and House files Nos. 46 and 85, without recommendation.

Mr. Brookings reported as follows:

MR. PRESIDENT:

Your committee on enrolled bills presented to His Excellency the governor, on the 10th day of May, council bills Nos. 69, 2, 70, 68, 80, and 75, for his approval and signature.

Also, have examined council file No. 13, "Memorial to the Secretary of the Interior relating to a treaty with the Brule Sioux Indians."

Council bill No. 94: "An Act to incorporate the town of Richland."

Council file No. 14: "Memorial to the honorable Secretary of War, relative to a military depot at Fort Randall," and

Council bill No. 73: "An Act to form and regulate religious societies," and find the same correctly enrolled.

W. W. BROOKINGS, *Chairman*.

Mr. Bramble, from special committee, reported as follows:

COMMITTEE ROOMS,)
Yankton, May 10, 1862. }

TO THE HONORABLE COUNCIL:

Your select committee, to whom was referred that portion of the governor's message relating to the mineral wealth of Dakota, would respectfully report, that we had the same under consideration, and from the vast extent of mineral lands of the territory, we have been unable to give the subject as thorough an investigation as, we believe, its importance would justify.

We are, however, well satisfied of the existence of gold, iron, coal, lead, and other minerals, to an extent that, when fully developed, will rival California, Pike's Peak, and Frazier river, as a mining country.

The explorations of Lieut. G. K. Warren, United States army, and others, leave no reasonable doubt in regard to the great mineral wealth of that portion of the territory lying along the tributaries of the Upper Missouri, and in the vicinity of the Black hills. And, from the explorations recently made by adventurers, traders, and trappers, along the eastern base of the mountain range dividing the Territories of Dakota and Washington, and along the mountain tributaries of the Columbia river on the west, and the Missouri and Yellowstone on the east of said range, and among the Black hills, the question is fully settled, that gold exists in "paying quantities" in those sections, as well as along the Wind river, Bear's paw, and the numerous spurs of the Rocky mountains.

It is a well-known fact that gold mining has been carried on at the missions in the Flat Head country, near our western border, for some years, — and the gold dust mined there has been taken to the states, via the Missouri river.

Your committee are in possession of unquestionable information derived from persons in the employ of the American Fur Company, that valuable specimens of gold are frequently brought to Fort Benton, from Gold creek and other streams at the eastern base of the mountain. And from the reports brought in by agents of Hudson Bay Company, it appears that gold, in large quantities, has been discovered on the Saskatchewan river, and tributaries.

There now remains not a solitary doubt that the country from the South pass to the Saskatchewan river, is one continuous gold field, requiring but the enterprise and industry of the Anglo-Saxon race to develop its incalculable wealth; while the valleys and table-lands, admirably adapted for agriculture and grazing, offer the most inviting inducements to the adventurous pioneer; and

the time cannot be far distant when the hum of civilization will be heard along the whole extent of the eastern base of the Rocky mountains, and along the great Missouri and her numerous tributaries, — and the advancing wave of civilization from the east will meet and mingle with that from the west, and the red man, who is now lord of all he surveys, will be a tradition of the past, and the places that knew him once will know him no more, and the troubled bosom of the Missouri will be ploughed by the keel of many a floating palace — transporting supplies to the mines, and returning freighted with the products of the golden harvest.

Who can say that many of the present generation will not see our fair young territory swarming with a thriving and wealthy population. And as "the star of empire wends its way," we, the people of the Missouri valley, will be the centre of population of the greatest and most prosperous nation the sun ever shone upon, the land of the free, and the hope of the oppressed and down-trodden of all nations of the earth.

In conclusion, your committee would again say, that we do not believe we have been able to do the justice to the subject that its importance demands.

D. T. BRAMBLE, *Chairman.*

The report was adopted, and

On motion, four hundred copies were ordered printed for the use of the council.

House file No 89.

Committee report adopted.

Bill indefinitely postponed.

House file No. 101.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 9; noes 0, as follows:

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Cole, Denel, Gregory, Stutsman, and president.

Bill passed, and title agreed to.

House file No. 99.

Read a third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes, 9; noes 0, as follows:

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Cole, Denel, Gregory, Stutsman, and president.

Bill passed, and title agreed to.

House file No. 46.

Motion on the adoption of the committee report.

Ayes and noes ordered.

Resulted, ayes 6; noes 3, as follows:

Ayes — Messrs. Bramble, Cole, Denel, Gregory, Stutsman, and president.

Noes — Messrs. Betts, Boyle, and Brookings.

Report adopted.

Bill indefinitely postponed.

House file No. 85.

Mr. Brookings moved to amend, by inserting the name of F. B. Chardon.

Lost.

Read third time, and put upon its passage.

Ayes and *noes* ordered.

Resulted, *ayes* 7; *noes* 1, as follows:

Ayes — Messrs. Betts, Boyle, Brookings, Cole, Denel, Gregory, and Stutsman.

Noes — Mr. Bramble.

Bill passed, and title agreed to.

House file No. 98.

Read first and second time, and

Referred to judiciary committee.

House file No. 100.

Read first and second time, and

Referred to judiciary committee.

House file No. 104.

Read first and second time.

Rules suspended.

Read a third time, and put upon its passage.

Ayes and *noes* ordered.

Resulted, *ayes* 8; *noes* 1, as follows:

Ayes — Messrs. Betts, Boyle, Brookings, Cole, Denel, Gregory, Stutsman, and president.

Noes — Mr. Bramble.

Bill passed, and title agreed to.

House file No. 105.

On motion indefinitely postponed.

Council concurred in house amendment to council bill No. 86.

Council bill No. 99.

Mr. Bramble moved to postpone further consideration of the bill, until the fourth of July next.

Ayes and *noes* ordered.

Resulted, *ayes* 5; *noes* 4, as follows:

Ayes — Messrs. Bramble, Cole, Denel, Gregory, and Stutsman.

Noes — Messrs. Betts, Boyle, Brookings, and president.

Carried.

Council took a recess for half an hour.

President resumed the chair.

Message from the governor.

YANKTON, May 12, 1882.

TO THE COUNCIL:

GENTLEMEN, — I have approved, and signed the following bills, to wit:

Council bill No. 34: "An Act to organize and discipline the militia."

Council bill No. 42: "An Act to incorporate the town of Yankton."

Council bill No. 64: "An Act concerning the administration and distribution of the estates of intestates."

Council bill No. 74: "An Act legalizing the official acts of certain officers of the county of Big Sioux."

Council bill No. 78: "An Act to provide for the support of bastard children."

Council bill No. 2: "An Act exempting property from execution, writ of attachment, or any other final process of a court."

W. JAYNE, *Governor*.

Mr. Bramble reported house file No. 90, without recommendation.

House file No. 34 taken from the table.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 8; noes 1, as follows:

Ayes — Messrs. Boyle, Bramble, Brookings, Cole, Deuel, Gregory, Stutsman, and president.

Noes — Mr. Betts.

Bill passed, and title agreed to.

House file No. 35, taken from the table.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 9; noes 0, as follows:

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Cole, Deuel, Gregory, Stutsman, and president.

Bill passed, and title agreed to.

House file No. 36 taken from the table.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 6; noes 3, as follows:

Ayes — Messrs. Bramble, Cole, Deuel, Gregory, Stutsman, and president.

Noes — Messrs. Betts, Boyle, and Brookings.

Bill passed, title agreed to.

House file No. 37, taken from the table.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 7; noes 2, as follows:

Ayes — Messrs. Boyle, Bramble, Cole, Deuel, Gregory, Stutsman, and president.

Noes — Messrs. Betts and Brookings.

Bill passed, and title agreed to.

House file No. 39 taken from the table.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 6; noes 3, as follows:

Ayes — Messrs. Bramble, Cole, Deuel, Gregory, Stutsman, and president.

Noes — Messrs. Betts, Boyle, and Brookings.

Bill passed, and title agreed to.

House file No. 38 taken from the table.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 6; noes 3, as follows:

Ayes — Messrs. Brookings, Cole, Deuel, Gregory, Stutsman, and president.

Noes — Messrs. Betts, Boyle, and Bramble.

Bill passed, and title agreed to.

Mr. Gregory gave notice of a "Bill defining the council and representative districts, and apportioning the representation thereof."

Mr. Brookings introduced council bill No. 101.

Read first and second time.

Rules suspended.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 7; noes 1, as follows:

Ayes — Messrs. Betts, Boyle, Brookings, Cole, Deuel, Gregory, and Stutsman.

Noes — Mr. Bramble.

Bill passed, and title agreed to.

House file No. 90.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 6; noes 2, as follows:

Ayes — Messrs. Betts, Boyle, Cole, Deuel, Gregory, and Stutsman.

Noes — Messrs. Bramble and president.

Bill passed, and title agreed to.

Council went into executive session.

After some time considering executive business, council resumed regular business.

Mr. Bramble reported house files Nos. 98 and 100 without recommendation.

House file No. 98.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 8 ; noes 0, as follows :

Ayes — Messrs. Betts, Boyle, Brookings, Cole, Deuel, Gregory, and Stutsman.

Bill passed, and title agreed to.

House file No. 100.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 9 ; noes 0, as follows :

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Cole, Deuel, Gregory, Stutsman, and president.

Bill passed, and title agreed to.

On motion, council adjourned.

JAMES TUFTS, *Secretary*.

J. H. SHOBER, *President*.

FIFTIETH DAY.

COUNCIL CHAMBER, }
Tuesday, May 13, 1862. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names :

Messrs. Betts, Boyle, Bramble, Brookings, Cole, Deuel, Gregory, Stutsman, and president.

Journal read and approved.

The following message was received from the house :

HOUSE OF REPRESENTATIVES, }
May 13, 1862. }

MR. PRESIDENT :

SIR, — I have the honor of informing your honorable council that the following council bills have passed the house of representatives :

Council bill No. 97 : " An Act to authorize holding special terms of the district court in certain cases."

Council bill No. 84: "An Act limiting the issue of county warrants."

Council bill No. 101: "An Act regulating pardons by the governor."

Council bill No. 90. "A bill for an act granting a ferry charter across the Missouri river."

Council bill No. 95: "An Act conferring powers upon the board of county commissioners."

Council bill No. 96: "An Act relating to the foreclosure of mortgages by advertisement."

Council bill No. 93: "An Act exempting certain property from taxation."

Council file No. 15: "Joint resolution relating to the printing of the laws and journals of the legislative assembly for the year 1862."

All of which bills I herewith return.

The house has also passed the following house files:

House file No. 102: "An Act in relation to the partition and distribution of estates."

House file No. 5: "An Act to prevent stallions and other animals from running at large."

J. R. HANSON, *Chief Clerk.*

Mr. Cole moved to reconsider the vote by which council bill No. 99 was postponed till the fourth day of July.

Mr. Bramble objected that the motion was not in order.

The chair decided the motion in order.

Mr. Bramble appealed from the decision of the chair.

The question being put, the chair decided the ruling sustained.

Mr. Brookings demanded the previous question on Mr. Cole's motion.

The previous question being sustained, the main question was then put and carried.

Mr. Brookings moved the council concur in house amendments.

Carried.

Mr. Boyle gave notice of a "Bill regulating public seals."

Mr. Deuel introduced council bill No. 102.

Read first and second time.

Rules suspended.

Bill read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 8; noes 1, as follows:

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Cole, Deuel, Gregory, and Stutsman.

Noes — Mr. President.

Bill passed, and title agreed to.

Mr. Stutsman from conference committee on territorial seal, reported "Joint resolution."

Read first and second time.

Rules suspended.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 9; noes 0, as follows:

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Cole, Deuel, Gregory, Stutsman, and president.

Resolution passed, and title agreed to.

Mr. Brookings reported as follows: .

MR. PRESIDENT:

Your committee on enrolled bills presented to His Excellency the governor on the 12th day of May, council bills 73 and 44; also, council files Nos. 13 and 14, for his approval and signature.

And have examined council file No. 16: "Memorial to the congress of the United States asking the tax due the United States, to be taken out of the appropriation made for legislative purposes.

Council bill No. 82: "An Act to establish a territorial road from Vermilion to Yankton."

Council bill No. 87: "An Act providing issuing search warrants and proceedings thereon."

Council bill No. 79: "An Act providing for the election of certain territorial officers."

Council bill No. 92: "An Act to establish a ferry on the Vermilion river."

Council bill No. 88: "An Act concerning the powers of district judges," and find the same correctly enrolled.

Also, council bill No. 85: "An Act relating to juries," and find the same correctly enrolled.

W. W. BROOKINGS, *Chairman*.

House file No. 5.

Read first and second time, and

Referred to committee on education.

House file No. 102.

Read first and second time, and

Referred to judiciary committee.

On motion, council adjourned.

J. H. SHOBER, *President*:

JAMES TUFTS, *Secretary*.

FIFTY-FIRST DAY.

COUNCIL CHAMBER, }
Wednesday, May 14, 1862. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names: Messrs. Betts, Boyle, Bramble, Brookings, Deuel, Gregory, Stutsman, and president.

Mr. Bramble introduced council file No. 19.

Read first and second time.

Rules suspended.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 8; noes 0, as follows:

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Deuel, Gregory, Stutsman, and president.

Resolution passed, and title agreed to.

Council bill No. 54: committee report adopted.

Bill indefinitely postponed.

Mr. Stutsman introduced council file No. 20.

Read first and second time.

Rules suspended, read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 6; noes 1, as follows:

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Deuel, and Stutsman.

Noes — Mr. Gregory.

Bill passed, and title agreed to.

Mr. Bramble from the judiciary committee, reported house file No. 102, and recommended its passage.

Also, council bill No. 54, and recommended its indefinite postponement.

Mr. Boyle reported house file No. 5, and recommended its passage.

House file No. 102: read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes, 6; noes 0, as follows:

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Deuel, and Stutsman.

Bill passed, and title agreed to.

House file No. 5: read third time, and put upon its passage.
Ayes and noes ordered.

Resulted, ayes 5; noes 2, as follows;

Ayes — Messrs. Betts, Boyle, Brookings, Deuel, and president.

Noes — Messrs. Bramble and Gregory.

Bill passed, and title agreed to.

Mr. Bramble, from the committee on territorial affairs, to whom was referred the governor's communication of March 24, reported that the recommendation of the governor is provided for by the act creating a territorial auditor.

The following message was received from the house.

HOUSE OF REPRESENTATIVES, }
May 14, 1862.

MR. PRESIDENT:

SIR,— I have the honor of informing your honorable council, that the following council bills have passed the house of representatives:

Council bill No. 31: "A bill for an act to regulate the sale of spirituous liquors."

Council bill No. 83: "A bill for an act to regulate the distribution of the laws and journals of Dakota territory, and for other purposes."

Council bill No. 89: "An Act to provide for the writ of habeas corpus."

Council bill No. 91: "An Act relating to the inventory and collection of the effects of deceased persons."

Council bill No. 98: "An act to provide for the conveyance of real estate by executors and administrators, in certain cases."

Council bill No. 100: "An act conferring the right of citizenship upon F. B. Chardon."

Council bill No. 102: "An Act to establish judicial districts, and assign the judges thereto."

House file No. 14: "Joint resolution relative to a territorial seal."

All of which bills I herewith return.

J. R. HANSON, *Chief Clerk.*

On motion of Mr. Brookings, house file No. 86 was taken from the table, and indefinitely postponed.

The following message was received from the house:

HOUSE OF REPRESENTATIVES, }
May 14, 1862.

MR. PRESIDENT:

SIR,— I have the honor of informing your honorable council, that the following council file has passed the house of representatives:

Council file No. 11: "A memorial asking congress to change that

portion of the organic act which gives the governor an unlimited veto power."

And I herewith return the same.

J. R. HANSON, *Chief Clerk.*

House file No. 108, Mr. Cole moved to amend by inserting three hundred and sixty, instead of one hundred and eighty, for W. R. Goodfellow.

Carried.

Rules suspended, and bill passed.

Mr. Brookings presented the following report:

MR. PRESIDENT:

Your committee on enrolled bills, have examined house files Nos. 32, 97, 101, 98, 94, 92, 84, 5, 10, 3, 90, 100, 80, 102, 85, 99, 104, and find the same correctly enrolled.

Your committee on enrolled bills presented to His Excellency the governor, May 14, 1862, council bills Nos. 99, 93, 97, 84, 101, 90, 86, 95, 96, and council file No. 15, for his approval and signature.

Also, have examined house files Nos. 38, 27, 39, 36, 34, 93, 37, and 35, and find the same correctly enrolled.

Also, have examined council bill No. 100: "An Act conferring the rights of citizenship on F. B. Chardon," and find the same correctly enrolled.

Your committee on enrolled bills presented to His Excellency the governor, on the 13th day of May, council file No. 16, and council bills Nos. 82, 87, 79, 88, and 92, for his approval and signature.

Also, have examined council bill No. 99: "An Act defining the council and representative districts," &c.

Council bill No. 93: "An Act exempting certain property from taxation."

Council bill No. 96: "An Act relating to the foreclosure of mortgages," &c.

Council bill No. 84: "An Act limiting the issue of county warrants."

Council joint resolution relating to printing of the laws.

Council bill No. 100: "An Act regulating pardons by the governor."

Council bill No. 95: "An Act conferring certain powers upon the board of county commissioners," &c.

Council bill No. 90: "A bill for an act granting a ferry charter across the Missouri river."

Council bill No. 97: "An Act authorizing the holding of special term of the district court, in certain cases."

Council bill No. 86: "An Act incorporating the Missouri and Niobrara valley railroad company," and find the same correctly enrolled.

W. W. BROOKINGS, *Chairman.*

The following message was received from the house :

HOUSE OF REPRESENTATIVES, }
May 14, 1862

MR. PRESIDENT.

SIR,— I have the honor of informing your honorable council, that the following council files have passed the house of representatives :

Council file No. 12: "Joint resolution and memorial relative to a bridge over the Running Water river."

Council file No. 19: "Joint memorial and resolution."

Council file No. 20: "Joint resolution."

All of which I herewith return.

The house has also passed the following house files :

House file No. 108: "Joint resolution relative to pay of clerks of the two houses for extra services."

House file No. 109: "An Act to locate the county seat of Clay county."

J. R. HANSON, *Chief Clerk.*

House file No. 109.

Read first and second time.

Rules suspended.

Read third time and passed.

Mr. Deuel moved to reconsider.

Lost.

Mr. Stutsman moved a call of the house.

Carried.

Council took a recess.

President resumed the chair.

The following message was received from the house :

HOUSE OF REPRESENTATIVES, }
May 14, 1862.

MR. PRESIDENT :

SIR,— I have the honor of informing your honorable council, that the house has refused to concur in council amendments to house file No. 108, and I herewith return the same for further consideration.

J. R. HANSON, *Chief Clerk.*

House file No. 108.

On motion, council insisted upon their amendment, and requested a conference committee.

Messrs. Gregory and Bramble were appointed such committee.

Mr. Bramble presented the following resolution which was adopted :

Resolved, That the thanks of the council are hereby tendered to

Hon. John Hutchinson, Secretary of the Territory, for his gentlemanly treatment of the members of this body.

On motion, the council adjourned.

J. H. SHOBER, *President*.

JAMES TUFTS, *Secretary*.

FIFTY-SECOND DAY.

COUNCIL CHAMBER, }
Thursday, May 15, 1862. }

Council met pursuant to adjournment.

Roll called.

The following members answered to their names: Messrs. Betts, Boyle, Brookings, Gregory, Stutsman, and president.

Journal read and approved.

The following message was received from the house :

HOUSE OF REPRESENTATIVES, }
May 15, 1862. }

MR. PRESIDENT :

SIR,—I have the honor of informing your honorable council, that the following resolution has passed the house of representatives :

Resolved, That the chief clerk of the house be ordered to inquire of the honorable council why their clerk has not transmitted to this house, house file No. 109: "An Act to locate the county seat of Clay county.

J. R. HANSON, *Chief Clerk*.

House file No. 110, on motion, taken from the table.

Rules suspended.

Read first, second, and third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 8; noes 0, as follows :

Ayes — Messrs. Betts, Boyle, Brookings, Cole, Deuel, Gregory, Stutsman, and president.

Bill passed, and title agreed to.

Mr. Brookings reported as follows :

MR. PRESIDENT :

Your committee on enrolled bills, presented His Excellency the governor, on the 14th day of May, council bill No 100, for his approval and signature.

W. W. BROOKINGS, *Chairman*.

The following message was received from the house :

HOUSE OF REPRESENTATIVES, }
May 15, 1862.

MR. PRESIDENT:

SIR, — I have the honor of informing your honorable council, that the following bill has passed the house of representatives:

House file No. 110: "An Act to prevent Indians from trespassing upon ceded lands in this territory."

And the concurrence of the council is respectfully requested.

J. R. HANSON, *Chief Clerk*.

The following message was received from the governor :

YANKTON, May 14, 1862

TO THE COUNCIL:

GENTLEMEN: I have approved and signed the following memorials and bills, to wit:

Council file No. 13: "Memorial to the Secretary of the Interior, relative to a treaty with the Brule Sioux Indians."

Council file No. 14: "Memorial to the honorable Secretary of War, relative to a military depot at Fort Randall."

Council file No. 16: "Memorial to the congress of the United States, asking the tax due the United States to be taken out of the appropriation made for legislative purposes."

Council bill No. 55: "An Act conferring the rights of citizenship on Charles F. Picotte."

Council bill No. 60: "An Act concerning wills of real and personal property."

Council bill No. 69: "An Act to provide for trials in certain cases before justices of the peace."

Council bill No. 70: "An Act defining the jurisdiction and procedure before justices of the peace, and of the duties of constables in civil courts."

Council bill No. 73: "An Act to form and regulate religious societies."

Council bill No. 75: "An Act defining the jurisdiction of justices of the peace in criminal cases, and of the proceedings therein."

Council bill No. 79: "An Act to provide for the election of certain territorial officers."

Council bill No. 80: "An Act for the regulation and support of common schools."

Council Bill No. 82: "An Act to establish a territorial road from Vermilion to Yankton."

Council bill No. 85: "An Act respecting juries."

Council bill No. 87: "An Act to provide for issuing search-warrants, and proceedings therein."

Council bill No. 88: "An Act concerning the powers of district judges."

Council bill No. 92: "An Act to establish a ferry on the Vermilion river."

Council bill No. 94: "An Act to incorporate the town of Richland."

Council bill No. 84: "An Act limiting the issue of county warrants."

Council bill No. 86: "An Act to incorporate the Missouri and Niobrara Valley Railroad Company."

Council bill No. 90: "An Act granting a ferry charter across the Missouri river."

Council bill No. 93: "An Act exempting certain property from execution."

Council bill No. 95: "An Act conferring powers upon the board of county commissioners respecting roads."

Council bill No. 97: "An Act to authorize holding special terms of the district court in certain cases."

Council bill No. 101: "An Act regulating pardons by the governor."

Council file No. 15: "Joint resolution relative to the printing of the laws and journals of the legislative assembly for the year 1862."

W. JAYNE, *Governor*.

The following message was received from the house:

HOUSE OF REPRESENTATIVES, }
May 15, 1862.

MR. PRESIDENT:

SIR, — I have the honor of informing your honorable council that the house insist on their non-concurrence to council amendments to house file No. 108, and I herewith return the same for further consideration.

J. R. HANSON, *Chief Clerk*.

Council took a recess.

President resumed the chair.

Mr. Bramble introduced council file No. 21: "Joint resolution."

Read first and second time.

Rules suspended.

Read third time, and put upon its passage.

Ayes and noes ordered.

Resulted, ayes 9; noes 0, as follows:

Ayes — Messrs. Betts, Boyle, Bramble, Brookings, Cole, Deuel, Gregory, Stutsman, and president.

Resolution passed, and title agreed to.

Mr. Bramble introduced a resolution instructing the president not to sign house file No. 109.

Which was rejected.

Mr. Brookings presented the following report:

MR. PRESIDENT:

Your committee on enrolled bills have examined council bill No. 89: "An Act to provide for the writ of habeas corpus."

Council bill No. 31: "An Act to regulate the sale of spirituous liquor."

Council bill No. 98: "An act to provide for the conveyance of real estate," &c.

Also, house file No. 109, and find the same correctly enrolled.

W. W. BROOKINGS, *Chairman*.

Mr. Boyle moved the chair be instructed to sign house file No. 109.

Lost.

The following message was received from the house:

HOUSE OF REPRESENTATIVES, }
May 15, 1862.

MR. PRESIDENT:

SIR,—I have the honor of informing your honorable council that the following council file has passed the house of representatives.

Council file No. 21: "Joint resolution for compensation of the clerks of the legislative assembly, with amendments," and I herewith return the same.

J. R. HANSON, *Chief Clerk*.

Council file, No. 21, returned from the house with amendments.

On motion of Mr. Bramble, the council refused to concur in house amendments.

The council, on motion of Mr. Gregory, went into executive session.

After consideration of executive business, council resumed regular business.

The following message was received from the governor:

YANKTON, EXECUTIVE OFFICE, }
May 14, 1862.

TO THE COUNCIL:

GENTLEMEN,—I herewith transmit to your honorable body, council bill No. 99: "An Act defining certain council and representative districts, and to apportion the representation thereof," with my reasons for not approving the same.

I have this day received several different and conflicting apportionment bills, which have just passed the two branches of the legislative assembly. Thus receiving for my consideration different and directly opposite apportionment bills, I am deprived of the aid and support which I should possess if but one bill had been sub-

mitted for my approval. In that case, I would have the deliberate, thoughtful expression of your judgment to aid me, and to rely on in maturing my own opinion; but as it is, with different and conflicting bills before me, all of which have received your approval, I am left to grope in the dark as to what may be your opinion.

I have examined council bill No. 99 carefully, and while I have not been impressed at any time with the idea that there was a pressing necessity for any increase of the number of the members composing the legislative assembly, yet I had hoped that if any apportionment bill passed, that it would be one which I could approve; but with the census returns before me, I cannot escape from the conviction that the present bill is most manifestly unjust, and strikes at the very basis of our system of government, which is equal representation to each district or county in proportion to its population.

W. JAYNE, *Governor.*

Council then took a recess until three o'clock.

President resumed the chair.

Mr. Brookings reported as follows:

MR. PRESIDENT:

Your committee on enrolled bills, presented on the 15th day of May, 1862, to His Excellency the governor, for approval and signature, council bills Nos. 89, 91, and 98.

Also, examined council bills Nos. 83 and 91, and council file No. 20, and find the same correctly enrolled.

W. W. BROOKINGS, *Chairman.*

On motion, council went into executive session.

After consideration of executive business

Council resumed regular business.

The following message was received from the house:

HOUSE OF REPRESENTATIVES, }
May 15, 1862.

MR. PRESIDENT:

SIR,—I have to inform your honorable council, that the house has receded from its amendments to council file No. 21, and I herewith return the same.

J. R. HANSON, *Chief Clerk.*

On motion of Mr. Stutsman, the secretary was instructed to return to the house of representatives their resolution concerning the president of the council, for instructing the secretary to correct house file No. 109.

Message from the house.

MR. PRESIDENT :

The house have passed house file No. 111, "Joint resolution," in which the concurrence of the council is respectfully requested.

J. R. HANSON, *Chief Clerk.*

Mr. Brookings reported as follows :

MR. PRESIDENT :

Your committee on enrolment, presented to His Excellency the governor, on the 15th day of May, for his approval and signature, council bills Nos. 83, 91, and 20.

Have also examined joint resolution No. 21, and find the same correctly enrolled.

W. W. BROOKINGS, *Chairman.*

On motion, Messrs. Boyle and Bramble were appointed a committee to wait upon the governor, and inquire whether he had any further communication to make to the council.

The following message was received from the governor :

EXECUTIVE OFFICE, }
Yankton, May 15, 1862. }

TO THE COUNCIL :

GENTLEMEN, — I have approved and signed council bill No. 31 :
"An Act to regulate the sale of spirituous liquors."

W. JAYNE, *Governor.*

Mr. Brookings reported as follows :

MR. PRESIDENT :

Your committee on enrolled bills, presented to His Excellency the governor, on the 15th day of May, for his approval and signature, council file No. 21, "Joint resolution."

W. W. BROOKINGS, *Chairman.*

On motion of Mr. Cole, Mr. Brookings was excused from any responsibility in regard to the disappearance of house file No. 109.

Mr. Brookings introduced the following resolutions, which were unanimously adopted :

Resolved, That the promptness, impartiality, and ability, with which the president of the council has discharged the duties of presiding officer, during the present session, facilitating the despatch of business, and preserving harmony in the deliberations of the council, merits our thanks; while the uniform courtesy of his official and private intercourse, has secured for him our warmest personal regard.

Resolved, That the thanks of the council are hereby tendered to James Tufts, secretary, E. M. Bond, assistant secretary, and W. R. Goodfellow, enrolling clerk, for the able and faithful manner in

which they have discharged their respective duties ; and we tender them our best wishes for their future prosperity.

Resolved, That we tender our thanks to C. F. Picotte, sergeant-at-arms, S. W. Ingham, chaplain, E. B. Wixson, messenger, and W. W. Warford, fireman, for the prompt and courteous manner in which they have discharged their duties as officers of this council.

Mr. Bramble, from committee to wait upon the governor, reported that they had performed the duty assigned them, and that His Excellency informed them he had no further communication to make to the council.

Journal approved.

On motion of Mr. Stutsman, the council adjourned *sine die*.

J. H. SHOBER, *President*.

JAMES TUFTS, *Secretary*.

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